

Message

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**From:** Bailey, Jessica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFA0C17FA9C94B49949F124ED3609125-BAILEY, JES]  
**Sent:** 5/31/2019 5:06:20 PM  
**To:** Gayoso, Jose [Gayoso.Jose@epa.gov]; Manupella, Matthew [Manupella.Matthew@epa.gov]  
**CC:** Bartow, Susan [Bartow.Susan@epa.gov]  
**Subject:** RE: Ethylene Oxide -- IRIS Value  
**Attachments:** ETO - Agenda Meeting with Ethylene Oxide Task Force MCM -JG - JB.docx

Thanks for your input Matt and Jose. Please see attached. If you both concur with the changes will one of you be sending this to Rose for review? Lisa sent me a list of dates that EOTF will be available so I want to start looking at the EPA folks' calendars as well.

Jessie

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**From:** Gayoso, Jose  
**Sent:** Friday, May 31, 2019 11:59 AM  
**To:** Manupella, Matthew <Manupella.Matthew@epa.gov>; Bailey, Jessica <bailey.jessica@epa.gov>  
**Subject:** RE: Ethylene Oxide -- IRIS Value

My comments attached. I agree with Matt that we should try to include more options, if possible.

However, we could also ask the Task Force for their ideas on how to mitigate risk? We should explain why we feel its appropriate to start mitigating risk now and we would like their input on how to do so. We should separate the discussion between ambient/bystander v. occupational. What would they propose for each scenario? How would they address exposure to non-handlers that are working in the same facility as the fumigation (e.g., desk workers, etc.)?

Also, I think we may have to allow them to speak first. It might flow better if they give us their arguments and then we respond with our timeframes, argument for why we plan to proceed, and proposed mitigation. We can give them 25-30 minutes and have a hard stop.

What do you all think?

Jose

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**From:** Manupella, Matthew  
**Sent:** Tuesday, May 28, 2019 4:56 PM  
**To:** Bailey, Jessica <bailey.jessica@epa.gov>; Gayoso, Jose <Gayoso.Jose@epa.gov>  
**Subject:** RE: Ethylene Oxide -- IRIS Value  
**Importance:** High

I had a couple small comments. I think we need some more options. Hopefully that's something the sates can help provide. I have a general with Rose tomorrow, and I will discuss getting in contact with CO, etc.

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**From:** Bailey, Jessica  
**Sent:** Tuesday, May 28, 2019 3:30 PM  
**To:** Gayoso, Jose <Gayoso.Jose@epa.gov>; Manupella, Matthew <Manupella.Matthew@epa.gov>  
**Subject:** RE: Ethylene Oxide -- IRIS Value

Hello Jose and Matt,

Per our discussion this morning about the meeting with EOTF, please see attached for our agenda. Let me know whatever needs changing.

Jessie

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**From:** Gayoso, Jose  
**Sent:** Friday, May 24, 2019 9:58 AM  
**To:** Kyprianou, Rose <Kyprianou.Rose@epa.gov>  
**Cc:** Bailey, Jessica <bailey.jessica@epa.gov>  
**Subject:** RE: Ethylene Oxide -- IRIS Value

My initial reaction to this article (which was sponsored and developed by Exponent, which I would consider to be a conflict of interest) is that it would hold a lot more weight if we didn't have the actual monitoring data from the Illinois sterigenics facility. Even though that facility has the latest emissions technology (I think), the on-the-ground monitors show high levels of exposure near the facility.

Jose

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**From:** Gayoso, Jose  
**Sent:** Friday, May 24, 2019 8:18 AM  
**To:** Kyprianou, Rose <Kyprianou.Rose@epa.gov>  
**Cc:** Bailey, Jessica <bailey.jessica@epa.gov>  
**Subject:** FW: Ethylene Oxide -- IRIS Value

Hi Rose, I don't know why Lisa didn't cc you.

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**From:** Lisa M. Campbell <LCAMPBELL@lawbc.com>  
**Sent:** Thursday, May 23, 2019 8:27 PM  
**To:** Bailey, Jessica <bailey.jessica@epa.gov>  
**Cc:** Manupella, Matthew <Manupella.Matthew@epa.gov>; Gayoso, Jose <Gayoso.Jose@epa.gov>; Bartow, Susan <Bartow.Susan@epa.gov>; Javier, Julie <Javier.Julie@epa.gov>; Arrington, Linda <Arrington.Linda@epa.gov>  
**Subject:** Ethylene Oxide -- IRIS Value

Hello Jessica –

This email supplements our request for a meeting regarding the IRIS value for ethylene oxide and is intended to respond to your request for a proposed agenda and list of attendees. Both are provided below. I note that there may be additional attendees, and if there are, I will let you know as soon as possible. Finally, we wish to ensure that you and EPA scientists working on these issues are aware of the recently published article entitled "Reevaluation of Historical Exposures to Ethylene Oxide Among U.S. Sterilization Workers in the National Institute of Occupational Safety and Health (NIOSH) Study Cohort, a copy of which is appended for your review. Abby Li is one of the authors of this paper.

Proposed Agenda:

1. Introductions
2. New Work Addressing Current IRIS Value
3. New Work Addressing Potential Alternate IRIS Value
4. Discussion
5. Next Steps

Attendees on Behalf of EOTF:

1. Exponent Scientists:

- a. James Bus, Ph.D., DABT, Fellow ATS
  - b. Abby Li, Ph.D.
  - c. Rick Reiss, Sc.D.
  - d. Jane Teta, Dr.P.H., M.P.H.
2. Registrants:
  - a. ARC/Balchem
    - i. David Ludwig, Vice President and General Manager
    - ii. Chris Klosen, Sales and Marketing Manager
    - iii. Joanne Cashin, Registration Compliance Advisor
  - b. Sterigenics
    - i. Kathleen Hoffman, Senior Vice President-Global Environmental, Health and Safety
3. Bergeson & Campbell, P.C. (B&C®) and The Acta Group (Acta®)
  - a. Lisa Campbell, Legal Counsel, B&C
  - b. Jason Johnston, Senior Scientist, Acta

The EOTF believes it would be very helpful to have at this meeting, if at all possible, in addition to everyone on this email, the following EPA staff, and all other EPA staff members that EPA believes appropriate:

1. Rick Keigwin
2. Billy Smith
3. Anita Pease
4. Dana Vogel
5. Anna Lowit
6. Elissa Reaves
7. Ashlee Aldridge
8. Rose Kypriano
9. Laura Parsons
10. Tim Leighton
11. Matt Crowley
12. Ivan Nieves

Thank you very much for your assistance. Please do not hesitate to call me to discuss this. Thank you again.

**LISA M. CAMPBELL**  
**PARTNER**

**BERGESON & CAMPBELL PC**

2200 Pennsylvania Avenue, NW, Suite 100W | Washington, D.C. 20037  
T: 202-557-3802 | F: 202-557-3836 | M: 202-288-6495 | lawbc.com

<b>EPA Attendees</b>	<b>EOTF Attendees</b>
<b>Antimicrobials Division</b> - Rose Kyprianou, Branch Chief of Regulatory Management Branch II	<b>Exponent</b> - James Bus, Ph.D., DABT, Fellow ATS
<b>Antimicrobials Division</b> - Jose Gayoso, Senior Regulatory Advisor	<b>Exponent</b> - Abby Li, Ph.D
<b>Antimicrobials Division</b> - Matthew Manupella, Acting Team Leader	<b>Exponent</b> - Rick Reiss, Sc.D
<b>Antimicrobials Division</b> - Jessie Bailey, Chemical Review Manager	<b>Exponent</b> - Jane Teta, Dr.P.H., M.P.H.
<b>Pesticide Reevaluation Division</b> - Sue Bartow, Chemical Review Manager	<b>ARC / Balchem</b> - David Ludwig, Vice President and General Manager
<b>Pesticide Reevaluation Division</b> - Julie Javier, Team Leader	<b>ARC / Balchem</b> - Chris Klosen, Sales and Marketing Manager
<b>Pesticide Reevaluation Division</b> - Linda Arrington, Branch Chief	<b>ARC / Balchem</b> - Joanne Cashin, Registration Compliance Advisor
<b>Antimicrobials Division</b> - Melissa Panger, Branch Chief of Risk Assessment Science Support Branch	<b>Sterigenics</b> - Kathleen Hoffman, Senior Vice President of Global Environmental, Health and Safety
<b>Antimicrobials Division</b> - Tim Leighton, Senior Scientist	<b>Bergeson &amp; Campbell</b> - Lisa Campbell, Legal Counsel
<b>Antimicrobials Division</b> - Tim Dole, Industrial Hygienist	<b>The Acta Group</b> - Jason Johnston, Senior Scientist
<b>Health Effects Division</b> - Ruthanne Loudon, Toxicologist	
<b>Health Effects Division</b> - Bill Donovan, Chemist	
<b>Health Effects Division</b> - Kelly Lowe, Physical Scientist	

## Introductions

- 1. EOTF - New Work Addressing Current IRIS Value (10 minutes)**
- 2. EOTF - New Work Addressing Potential Alternate IRIS Value (10 minutes)**
- 3. EPA – Timeline of ETO Assessment and Decision (10 minutes)**
  - EPA plans to move forward with the Draft Risk Assessment (DRA) and mitigation immediately, since there appears to be significant risk and mitigation is critical.
    - OPP will be able to use monitoring data from OAR in the ETO DRA.
  - Draft Risk Assessment (DRA) – March 2020
  - Public Comment for DRA (60 Days)
  - Proposed Interim Decision (PID) – March 2020 in combination with DRA or immediately following DRA's 60-day public comment period
  - Public Comment for PID (60 Days)
  - Interim Decision (ID) – immediately will follow PID public comment period; **ID will include mitigation**
- 4. EPA – Mitigation Possibilities for ETO (10 minutes)**
  - EPA must move forward with the best available science now and not delay mitigation.
  - Restrict use – ETO can only be used on certain medical devices
  - Buffers
  - Fumigant Management Plans
  - Registrant stewardship requirements
  - Suggestions from EOTF?

## Next Steps



Message

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**From:** Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Sent:** 2/11/2019 10:50:34 PM  
**To:** Breneman, Sara [breneman.sara@epa.gov]  
**Subject:** RE: Sterigenics 114

Sara, I don't know the specifics, but Ed informed me that the 114 was a "no-go" at this time.

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

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**From:** Siegel, Kathryn  
**Sent:** Monday, February 11, 2019 11:43 AM  
**To:** Breneman, Sara <breneman.sara@epa.gov>  
**Subject:** RE: Sterigenics 114

Hi Sara,

Yes, you heard correctly. On Thursday, after the in-person with Sterigenics, we were instructed to send a 114 for EtO usage data and work practices. The purpose is to memorialize what Sterigenics agreed to provide in a formal, transparent manner.

We are using the template and close on a completing a draft. A section chief review would great. Maybe Nathan?  
Thanks!

Katie Siegel, Chief  
Air Toxics and Assessment Branch  
Air and Radiation Division  
U.S. EPA Region 5  
siegel.kathryn@epa.gov  
(312) 886-3006

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**From:** Breneman, Sara  
**Sent:** Monday, February 11, 2019 9:15 AM  
**To:** Siegel, Kathryn <siegel.kathryn@epa.gov>  
**Subject:** Sterigenics 114

Katie,

I've heard you got approval to send a 114 to Sterigenics for production data. If you need help with the template or would like one of my section chiefs to review, as we have more experience with 114, please let me know.

Thanks,  
Sara

Sara J. Breneman, Chief  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd., Chicago, IL 60604  
Ph: 312-886-0243 | Fax: 312-582-5852

**From:** Sara Breneman **Ex. 6 Personal Privacy (PP)**  
**Sent:** 1/22/2019 6:34:33 PM  
**To:** katie.siegel@gmail.com  
**CC:** Nam, Ed [nam.ed@epa.gov]; Eileen Furey [furey.eileen@gmail.com]; Furey, Eileen [furey.eileen@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Subject:** Re: Please review the following - QFRs from the Administrator's Hearing

## Deliberative Process / Ex. 5

Begin forwarded message:

**From:** "Thiede, Kurt" <thiede.kurt@epa.gov>  
**Date:** January 21, 2019 at 2:22:38 PM CST  
**To:** "Short, Thomas" <short.thomas@epa.gov>, "Nam, Ed" <nam.ed@epa.gov>  
**Cc:** "Stepp, Cathy" <stepp.cathy@epa.gov>  
**Subject:** Please review the following - QFRs from the Administrator's Hearing

Can you please take a look below and let me know if you are quickly and easily able to provide a brief response to the areas below where your names have been identified?

Ed, if you think it will take a little more time to get answers, let me know and I will add you to the excepted list tomorrow to research and provide answers. I have offered initial responses that would benefit from your quick review as well.

Thanks in advance and please let me know if you have any questions.

Best,

Kurt

## Deliberative Process / Ex. 5

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Kurt A Thiede

Chief of Staff

EPA – Region 5

77 West Jackson Blvd. (R19-J)

Chicago, IL 60604

Phone: (312) 886-6620

Cell: (312) 505-1478



Message

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**From:** Nam, Ed [nam.ed@epa.gov]  
**Sent:** 1/20/2019 6:25:49 AM  
**To:** Breneman, Sara [breneman.sara@epa.gov]; Sara Breneman [Ex. 6 Personal Privacy (PP)]; Kathryn Siegel [Ex. 6 Personal Privacy (PP)]; furey. eileen [Ex. 6 Personal Privacy (PP)]  
**CC:** Siegel, Kathryn [siegel.kathryn@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]; ed [Personal Email / Ex. 6]  
**Subject:** Re: Bloomberg article on eto sources

Another similar article

## News

### Halted Inspections at Sterigenics Plant Need EPA Probe: Senators

Posted Jan. 18, 2019, 2:23 PM

By Stephen Joyce

- Sen. Tammy Duckworth says she has information that Trump appointees stopping EPA inspections
- Democratic senators seek inspector general investigation into matter

The EPA's inspector general needs to probe whether political appointees at the agency ordered staff not to inspect potentially carcinogenic air pollution from a Willowbrook, Ill., medical sterilization facility, Senate Democrats said.

The request comes just days after senators asked Andrew Wheeler, the nominee to head the Environmental Protection Agency, about emissions of ethylene oxide during his confirmation hearing.

Wheeler said at the hearing that an inspector general investigation isn't yet necessary and that he would prefer to first consult with agency staff about the lack of investigations.

Sen. Tammy Duckworth (D-Ill.) said she received information in January alleging that EPA senior political appointees instructed career civil servants to avoid conducting inspections of facilities like the Sterigenics International LLC plant in Willowbrook that emit ethylene oxide in Region 5, which includes Illinois and five other Midwestern states.

In a Jan. 17 letter, Sens. Tom Carper (D-Del.), Duckworth, and Dick Durbin (D-Ill.) asked the EPA's Office of Inspector General to investigate whether the allegations are true.

Ethylene oxide, which is carcinogenic according to the National Health Institute, is a flammable, colorless gas that can irritate the eyes, skin, nose, throat, and lungs with long term exposure. It can also harm the brain and nervous system, causing headaches, memory loss, and numbness.

Sean Savett, a Duckworth spokesman, declined to comment further on the information the senator had received about the Willowbrook plant.

## Calls to Close

Ethylene oxide emissions from the Sterigenics International have drawn increased scrutiny recently with Rep. Dan Lipinski (D-Ill.) calling for the facility to shut down unless it can prove it isn't a threat to human health.

DuPage County (Ill.) State's Attorney Robert Berlin filed a complaint asking the DuPage County Circuit Court to ban all emissions of the chemical if it concludes no level of ethylene oxide emissions are safe.

Kristin Gibbs, a Sterigenics spokeswoman, didn't immediately respond to a request for comment from Bloomberg Environment. The EPA couldn't be reached for comment because of the government shutdown.

Nearby residents who have demanded the plant close accused the company of failing to disclose how toxic its emissions are.

"Swift and immediate action needs to be taken. We appreciate the sense of urgency from our Senators and look forward to a better tomorrow," advocacy group Stop Sterigenics said in a Jan. 18 statement to Bloomberg Environment.

Bill Wehrum, head of the EPA's air pollution office, told Bloomberg Environment in December 2018 the agency could propose the first update to its toxic pollution standards for medical sterilization facilities such as Sterigenics this year.

The senators in their letter claimed EPA's own data illustrates the agency has recently failed to conduct inspections of facilities emitting ethylene oxide in the Midwest.

"This fact pattern is concerning in and of itself. However, if the lax inspection and enforcement activity is a result of politically-motivated interference overriding recommendations of career staff, that would elevate our concerns from simply poor performance to potential outright misconduct by political appointees," the letter said.

To contact the reporter on this story: Stephen Joyce in Chicago at [sjoyce@bloomberglaw.com](mailto:sjoyce@bloomberglaw.com)

Sent from my iPhone

On Jan 17, 2019, at 10:44 PM, Nam, Ed <[nam.ed@epa.gov](mailto:nam.ed@epa.gov)> wrote:

Here is the text. Sorry for the format, can only do on phone

### **Review Can Wait on Failure to Check Sterilizing Plants: EPA Head (1)**

Posted Jan. 16, 2019, 12:07 PM Updated Jan. 16, 2019, 2:28 PM

By Amena H. Saiyid

The EPA Region 5's order to halt inspections of facilities emitting carcinogenic ethylene oxide in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin doesn't yet warrant an inspector general investigation, the agency's top official said Jan. 16.

"This is news to me," acting EPA Administrator Andrew Wheeler said during his Jan. 16 confirmation hearing to lead the agency on a permanent basis.

He told the Senate Environment and Public Works Committee that he wanted to consult with his staff to see if the claims made about the lack of investigations, and Region 5's orders were true before deciding whether to seek an investigation.

During the hearing, Sen. Tammy Duckworth (D-Ill.) told Wheeler she was alarmed to learn about EPA Region 5's directive.

She said was further alarmed that her staff upon checking the EPA's Enforcement and Compliance History Online, or ECHO, database discovered that the agency hasn't conducted any inspections of facilities emitting this carcinogen across the nation in the past six months.

Duckworth urged Wheeler to join her in asking the inspector general to find out why the inspections had dropped, and why the EPA Region 5 was ordered to halt inspections of facilities in Illinois.

When Wheeler balked at joining in the investigation, she pressed Wheeler to make sure that the agency retains all email exchanges and other documents pertaining to EPA Region 5's order.

### **Formal Request**

Despite Wheeler's reluctance to join in the investigation, Duckworth still plans in the next couple of days to formally request an investigation of EPA Region 5's directive on her own, Duckworth spokesman Sean Savett told Bloomberg Environment after the hearing.

Duckworth along with other members of the Illinois congressional delegation and Illinois itself have been trying to get the Environmental Protection Agency to set stricter standards for medical sterilization facilities that use ethylene oxide, particularly the Sterigenics U.S. LLC facility in Willowbrook, Ill., outside of Chicago.

In August 2018, the Agency for Toxic Substances & Disease Registry reported an "elevated cancer risk" among residents and off-site workers in the Willowbrook community around the Sterigenics facility.

Although Sterigenics said its emissions of ethylene oxide are well within federal standards, the facility has been in the spotlight in recent months with members of Congress and nearby residents calling for stricter limits on the toxic air pollutants.

The EPA is reviewing ethylene oxide emissions standards (RIN:2060-AM31) for sterilization facilities that were issued in 2005. The agency has indicated that it could an issue a proposal to tighten standards as early as mid-2019.

(Updated with additional reporting throughout.)

To contact the reporter on this story: Amana H. Saiyid in Washington  
at [asaiyid@bloombergenvironment.com](mailto:asaiyid@bloombergenvironment.com)

Sent from my iPhone

Message

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**From:** Frank, Nathan [frank.nathan@epa.gov]  
**Sent:** 2/5/2019 5:29:26 PM  
**To:** Breneman, Sara [breneman.sara@epa.gov]  
**Subject:** RE: Could you help us with a Q?

Here is a summary of EPA Region 5's activities concerning IBA/Griffith Micro Science's Willowbrook, Illinois facilities (now owned by Sterigenics, Inc.) in 2002 and 2003.

- On March 13, 2002, EPA Region 5 conducted a Clean Air Act inspection at the Willowbrook Facilities
  - The inspection was conducted as part of an EPA Headquarters (OECA) initiative to assess compliance rates with the National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Sterilizers (ETO NESHAP). At that time, Region 5 decided to inspect all facilities in the region subject to the ETO NESHAP.
  - At the time of the inspection, the ETO NESHAP was relatively new. The compliance date was in 2000.
  - The inspection found that IBA/Griffith Micro Science was not monitoring performance of the dry bed absorbers used to control emissions from the aeration rooms on both facilities
- Subsequent to the inspection, EPA worked with IBA/Griffith Micro Science on an Alternative Monitoring Plan (AMP). The ETO NESHAP requires all facilities using pollution control equipment other than a wet scrubber or thermal oxidizer to submit an AMP to be approved by EPA. Since the Willowbrook Facilities operate dry bed absorbers, they were required to have an AMP.
- After several correspondence on the matter, EPA approved the AMP on December 19, 2002. The AMP required IBA/Griffith Micro Science to conduct weekly monitoring of the outlet of the dry bed absorbers with either a flame ionization detector or a gas chromatograph/mass spectrometer.
- On December 24, 2002, EPA issued an Administrative Order to IBA/Griffith Micro Science requiring:
  - Full compliance with the ETO NESHAP
  - Full implementation of the December 19, 2002 AMP
  - A stack test of all aeration room vents
- All testing was completed by February 24, 2003 and all tests showed compliance with the ETO NESHAP. By April 21, 2003, IBA/Griffith Micro Science fully implemented its AMP.
- No additional U.S. EPA Clean Air Act inspections were conducted at this facility.
- IEPA continued to inspect this facility as part of its Compliance Monitoring Strategy. According to the ECHO Database, the most recent IEPA inspection was conducted March 18, 2016.

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**From:** Breneman, Sara  
**Sent:** Monday, February 04, 2019 7:55 PM  
**To:** Frank, Nathan <frank.nathan@epa.gov>  
**Subject:** Fwd: Could you help us with a Q?

Can you answer these questions please?

Begin forwarded message:

**From:** "Nam, Ed" <nam.ed@epa.gov>  
**Date:** February 4, 2019 at 5:15:18 PM CST  
**To:** "Breneman, Sara" <breneman.sara@epa.gov>  
**Cc:** "Siegel, Kathryn" <siegel.kathryn@epa.gov>, "Furey, Eileen" <furey.eileen@epa.gov>  
**Subject:** FW: Could you help us with a Q?

Sara,

More questions from this 2002 case.

Thanks  
-Ed

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**From:** Kelley, Jeff  
**Sent:** Monday, February 04, 2019 5:11 PM  
**To:** Nam, Ed <[nam.ed@epa.gov](mailto:nam.ed@epa.gov)>  
**Cc:** Siegel, Kathryn <[siegel.kathryn@epa.gov](mailto:siegel.kathryn@epa.gov)>  
**Subject:** RE: Could you help us with a Q?

I just got off the phone with Alison Davis ... she's trying to pull together a few Qs&As ... a couple questions for us:

- When's the last time we inspected the Sterigenics facility?
- What do you know about this claim from CBS: "the federal EPA in 2002 accused the company of failing to install monitoring systems and keep emission records."

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**Jeff Kelley**  
*Director, Office of External Communications*  
U.S. EPA Region 5  
ph: 312-353-1159

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**From:** Kelley, Jeff  
**Sent:** Monday, February 04, 2019 3:45 PM  
**To:** Nam, Ed <[nam.ed@epa.gov](mailto:nam.ed@epa.gov)>  
**Subject:** Fwd: Could you help us with a Q?

Have you heard anything about this other claim?

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**Jeff Kelley**  
*Director, Office of External Communications*  
U.S. EPA Region 5  
ph: 312-353-1159

Begin forwarded message:

**From:** "Davis, Alison" <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>  
**Date:** February 4, 2019 at 3:40:54 PM CST  
**To:** "Kelley, Jeff" <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)>  
**Cc:** "Bremer, Kristen" <[Bremer.Kristen@epa.gov](mailto:Bremer.Kristen@epa.gov)>, "DeLuca, Isabel" <[DeLuca.Isabel@epa.gov](mailto:DeLuca.Isabel@epa.gov)>  
**Subject:** RE: Could you help us with a Q?

Anything back from your air folks on the question from this a.m.?

Also, OAR has been asked about the story's claim that USEPA(?) ordered Sterigenics to test emissions back in 2002 and provide a report a year later. Folks are asking if this report is available. Does that ring a bell for your folks?

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**From:** Kelley, Jeff  
**Sent:** Monday, February 04, 2019 11:33 AM  
**To:** Davis, Alison <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>  
**Cc:** Bremer, Kristen <[Bremer.Kristen@epa.gov](mailto:Bremer.Kristen@epa.gov)>  
**Subject:** RE: Could you help us with a Q?

Let me run this past our air folks ... is this for a media inquiry or are you working on Qs & As?

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**Jeff Kelley**  
*Director, Office of External Communications*  
*U.S. EPA Region 5*  
*ph: 312-353-1159*

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**From:** Davis, Alison  
**Sent:** Monday, February 04, 2019 10:27 AM  
**To:** Kelley, Jeff <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)>  
**Cc:** Bremer, Kristen <[Bremer.Kristen@epa.gov](mailto:Bremer.Kristen@epa.gov)>  
**Subject:** Could you help us with a Q?

Based on the CBS-2 story – feel free to adjust the question as needed

**CBS news in Chicago is reporting that Sterigenics had sent materials into the community to offgas. Was EPA aware of this practice? Is it still going on? What steps is EPA taking to investigate?**

Message

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**From:** Breneman, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABEC1970102A45CFB6B842503A9FAE06-SBRENEMA]  
**Sent:** 6/3/2019 1:54:25 PM  
**To:** Furey, Eileen [furey.eileen@epa.gov]; Dickens, Brian [dickens.brian@epa.gov]  
**CC:** Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Subject:** RE: Huh?

Bonnie had a case in the aughts. Remember she even received a call recently.

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**From:** Furey, Eileen  
**Sent:** Monday, June 3, 2019 8:04 AM  
**To:** Breneman, Sara <breneman.sara@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>  
**Cc:** Siegel, Kathryn <siegel.kathryn@epa.gov>  
**Subject:** FW: Huh?

See below. This issue may percolate. I think the issue is coming up because at the public meeting last week, Cathy seemed to deny that any EPA manager ever told us not to inspect EtO facilities.

If I remember right, AECAB did inspect Sterigenics many years ago, well before the IRIS assessment was redone, and didn't find any violations.

Eileen

Eileen L. Furey  
Deputy Director  
Air and Radiation Division  
U.S. EPA Region 5  
(312) 886-7950

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**From:** Koerber, Mike  
**Sent:** Sunday, June 02, 2019 1:37 PM  
**To:** Nam, Ed <nam.ed@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Siegel, Kathryn <siegel.kathryn@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>  
**Cc:** Mckelvey, Laura <Mckelvey.Laura@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>  
**Subject:** Fwd: Huh?

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Mckelvey, Laura" <Mckelvey.Laura@epa.gov>  
**Date:** June 2, 2019 at 10:46:31 AM EDT  
**To:** "Terry, Sara" <Terry.Sara@epa.gov>, "Long, Pam" <Long.Pam@epa.gov>, "Shappley, Ned" <Shappley.Ned@epa.gov>, "Koerber, Mike" <Koerber.Mike@epa.gov>, "Weinstock, Lewis" <Weinstock.Lewis@epa.gov>, "Bremer, Kristen" <Bremer.Kristen@epa.gov>, "Rimer, Kelly" <Rimer.Kelly@epa.gov>, "Cortelyou-Lee, Jan" <Cortelyou-Lee.Jan@epa.gov>, "Wilson, Holly" <Wilson.Holly@epa.gov>, "Smith, Darcie" <Smith.Darcie@epa.gov>, "Davis, Alison"



<Davis.Alison@epa.gov>, EtO <EtO@epa.gov>, "Gmyr, Joanna" <Gmyr.Joanna@epa.gov>

**Subject: Fwd: Huh?**

Sent from my iPhone

Begin forwarded message:

**From:** Jennifer McConahy **Ex. 6 Personal Privacy (PP)**  
**Date:** May 31, 2019 at 8:31:16 PM EDT  
**To:** [Mckelvey.Laura@epa.gov](mailto:Mckelvey.Laura@epa.gov)  
**Subject:** Huh?

Wouldn't EPA inspect them? Any truth to this? How would we get the truth?



# Tweet

You Retweeted



**AFGE Local 704**  
@704afge



As far as we know, no @EPAGreatLakes staff has inspected #Sterigenics in Willowbrook. Ever. #SavetheEPA



**Stop Sterigenics** @StopSterigenics · 1d

At last night's forum, Bill Wehrum admitted current EPA regulations on ethylene oxide are outdated and do not hold up to current science. He had no sense of urgency to solve this problem.

12:07 AM · 5/31/19 · Twitter for iPhone

9 Retweets 10 Likes



Tweet your reply



Message

---

**From:** Nguyen, Phuong [Nguyen.Phuong@epa.gov]  
**Sent:** 4/8/2019 5:21:52 PM  
**To:** Cain, Alexis [cain.alexis@epa.gov]; Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** RE: Request for information (Lake County) - Ambient Sampling Plan

Can meet sometime this afternoon like 2:00pm ?

Phuong

---

**From:** Cain, Alexis  
**Sent:** Monday, April 08, 2019 12:02 PM  
**To:** Sieffert, Margaret <Sieffert.Margaret@epa.gov>; Nguyen, Phuong <Nguyen.Phuong@epa.gov>  
**Subject:** FW: Request for information (Lake County) - Ambient Sampling Plan

From Lake County. We should discuss.

Alexis Cain  
USEPA-Region 5  
(312) 886-7018  
[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)

---

**From:** Mackey, Lawrence J. <LMackey@lakecountyl.gov>  
**Sent:** Thursday, April 04, 2019 10:36 AM  
**To:** Weinstock, Lewis <Weinstock.Lewis@epa.gov>  
**Cc:** Siegel, Kathryn <Siegel.kathryn@epa.gov>; Compher, Michael <compher.michael@epa.gov>; Ahmed, Sana <SAhmed@lakecountyl.gov>; Cain, Alexis <cain.alexis@epa.gov>  
**Subject:** RE: Request for information (Lake County) - Ambient Sampling Plan

Hi Lew-

Sorry I am so late in replying, but this week has been crazy and I will be out of my office Monday-Wednesday of next week, so I have been trying to keep up and also get ahead a bit.

Regarding the specific locations, we are going to put into our RFP/scope document that the final locations will be chosen at a later date by our agency and the contractor based on EPA modeling.

Regarding the modeling, my thought is that we should go with as-is. Vantage plans to have their additional controls installed later this month, but I don't know when they will be operational. Not sure of the date for Medline. But, the modeling should only look at where we anticipate the dispersion to be, correct? Should the levels being emitted affect that modeling? I am not sure that the release points will change, but if that is the case, we may need to adjust. Bottom line is that we will need something fairly soon because we plan to indicate that sampling will begin by June 1.

Any word on this part?

On the question concerning the difference between what ATSDR would do for you versus the risk assessment that's being performed for Sterigenics, I feel more comfortable asking one of our risk assessment experts to respond.

The question was whether we would need to sample for 90 days to get the EPA risk assessment, or if 30 days would suffice. We have not yet had confirmation from ATSDR yet, but our plan at this point is to go ahead with 30 days. Any help here is appreciated because we want to move ahead with getting proposals.

Thanks for all of your help.

Larry

---

**From:** Weinstock, Lewis <Weinstock.Lewis@epa.gov>

**Sent:** Friday, March 29, 2019 11:11 AM

**To:** Mackey, Lawrence J. <LMackey@lakecountytill.gov>

**Cc:** Siegel, Kathryn <siegel.kathryn@epa.gov>; Compber, Michael <compber.michael@epa.gov>; Ahmed, Sana <SAhmed@lakecountytill.gov>; Cain, Alexis <cain.alexis@epa.gov>

**Subject:** RE: Request for information (Lake County) - Ambient Sampling Plan

Hi Larry:

The modeling to assist with siting would take a while; you might consider establishing the number of sites per facility without necessarily identifying the exact locations. That approach could get you some proposals while the modeling work proceeds. Once you are ready to deploy, then the contractor could use the modeling information to scout for exact sampling locations and obtain permissions from land owners.

I did want to clarify one issue – Is it your goal to sample after new controls have been installed and made operational at one or both facilities, or are you willing to accept sampling based on the “as-is” operational status of both sources? I’m asking because it will take longer to model the facilities if new inputs are needed for items such as control efficiency and EtO release points that will be altered by additional controls. If you are planning to sample “as-is”, maybe it would save time for Region 5 to model “as-is” since those parameters are largely known.

On the question concerning the difference between what ATSDR would do for you versus the risk assessment that’s being performed for Sterigenics, I feel more comfortable asking one of our risk assessment experts to respond. I will note that EPA’s risk assessment is not being based directly on the 4 ½ months of ambient sampling in Willowbrook, but rather on a revised modeling assessment that takes into account the latest information about stack and fugitive emissions as well as the distribution of the population around the facility. Where the ambient data comes into play is allowing our source and modeling experts to further refine their evaluations by performing model to monitor comparisons that have exposed some gaps in the understanding of emission patterns in Willowbrook. In any event, I’ll ask one of our risk folks to weigh in on your question.

I know this is a lot of information to consider, so we would be happy to join Region 5 on a call with you and your staff next week if that will help get you to the point where the RFP can be issued.

Lewis Weinstock | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919-541-3661|

---

**From:** Mackey, Lawrence J. <LMackey@lakecountytill.gov>

**Sent:** Thursday, March 28, 2019 5:52 PM

**To:** Weinstock, Lewis <Weinstock.Lewis@epa.gov>

**Cc:** Siegel, Kathryn <siegel.kathryn@epa.gov>; Compber, Michael <compber.michael@epa.gov>; Ahmed, Sana <SAhmed@lakecountytill.gov>

**Subject:** RE: Request for information (Lake County) - Ambient Sampling Plan

Thanks for the responses and help, Lew.

Regarding the selection of sampling sites (“EPA/Region 5 would be happy to work with you to provide modeling that will allow Lake County to fine tune the canister locations before the monitoring would begin”) do you know how long it would take to get that modeling completed? I ask because we will need to know the number and location of the sample sites prior to issuing the RFP. Is it a relatively quick process?

Also, while it is clear that there is a preference to sample over a longer period of time, cost is indeed a limiting factor. We have made a request to ATSDR for a health risk assessment. We have informed them in our petition that we plan to have 4 sampling locations per site, sampled for 30 days, every third day. As this is not my area of expertise, if they tell us that they can perform the assessment on 30 days of samples, would we need the EPA risk assessment? I guess that I am not clear on what the difference would be between the two assessments.

Thanks again for your help. I am also looping Dr. Sana Ahmed from our agency into this chain because she is working with ATSDR on the health risk assessment and with the Illinois Department of Public Health on a cancer incidence study, and sample locations and duration are important to both.

Larry

**Lawrence J. Mackey, LEHP**

*Deputy Director, Prevention*

Lake County Health Department and Community Health Center

500 W. Winchester Road, Suite 102 | Libertyville, IL 60048

Tel: 847.377.7788 | Fax: 847.984.5622

[health.lakecountyil.gov](http://health.lakecountyil.gov)

Follow us: [Facebook](#) | [Twitter](#) | [LinkedIn](#)

*Healthy Choices. Healthier People. Healthiest Communities.*

---

**From:** Weinstock, Lewis <[Weinstock.Lewis@epa.gov](mailto:Weinstock.Lewis@epa.gov)>

**Sent:** Thursday, March 28, 2019 2:36 PM

**To:** Mackey, Lawrence J. <[LMackey@lakecountyil.gov](mailto:LMackey@lakecountyil.gov)>

**Cc:** Siegel, Kathryn <[siegel.kathryn@epa.gov](mailto:siegel.kathryn@epa.gov)>; Compher, Michael <[compher.michael@epa.gov](mailto:compher.michael@epa.gov)>

**Subject:** Request for information (Lake County) - Ambient Sampling Plan

Hi Larry:

Thanks for the opportunity to comment on your proposed sampling plan. Joint Region 5 and HQ/OAQPS comments are inserted below for each question. We are both here to assist as your project moves forward. In the future, feel free to copy us on your questions and that will help ensure a coordinated and timely reply.

Lewis Weinstock | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919-541-3661

---

**From:** Mackey, Lawrence J. <[LMackey@lakecountyil.gov](mailto:LMackey@lakecountyil.gov)>

**Sent:** Friday, March 22, 2019 2:32 PM

**To:** Weinstock, Lewis <[Weinstock.Lewis@epa.gov](mailto:Weinstock.Lewis@epa.gov)>

Cc: Nam, Ed <nam.ed@epa.gov>

Subject: FW: Request for information (Lake County)

Lewis and Ed-

I know I had sent you these aerals Lewis, but I am resending and cc'ing Ed because we just had a phone conversation. Also, we have a meeting next week Wednesday with the mayors from Gurnee and Waukegan. We are really trying to see if we are on the right track and that we have a decent idea of the project and the costs we may be facing. I am hoping that you can do me a huge favor and review these documents and then possibly answer these questions:

1. Do you believe that the scope of work is sufficient? Do you have any suggestions for improvements?
  - > A key issue is determining the objectives of the study. Are you focusing on a characterization in the immediate areas around the two facilities, wishing to support a risk assessment, and/or interested in concentrations further out in nearby communities? A desire to support a risk assessment may require a longer period of sampling than initially stated in your RFP. There is no magic number but our sense is that one month (10 samples) might be too short for any purposes except a basic characterization for informational purposes. As you know, the Willowbrook study was initially planned for 3 months (30 samples x 8 sites) and we have continued past that point as of this date. Finances are an obvious constraint but we would recommend a longer period of time if feasible. We will also raise the issue of indoor sampling; this was not addressed in EPA's study but the Village of Willowbrook did obtain some highly elevated readings at several locations with paired indoor/outdoor samples. Any schools in the immediate vicinity of either source?
2. Can we have permission to use EPA's language in our RFP from the Willowbrook QAPP and also use it as an attachment to the RFP?
  - > Absolutely. However, we encourage whoever is ultimately awarded the RFP to develop their own quality assurance documents and processes to ensure that data quality objectives are met. Quick note – EPA will be posting minor revisions to the QAPP over the next few weeks, but nothing that substantially changes the core methods and procedures being used.
3. Do you believe that the RFP sufficiently describes the needs of the project?
  - > It's a very good start. Referencing EPA's QAPP is a good way to incorporate technical specifications by reference but I would recommend calling out some key requirements for purposes of clarity. These might include the method detectable limit (MDL), method for quantifying Trans-2-butene co-elution, the percentage of collocated and blank canisters, the turnaround time for data reporting (is bi-weekly good enough for your purposes?). It's also worth noting that the main analysis method (TO-15) has variations that are acceptable and there are a number of choices that can be made in how the mass spectrometry is accomplished for EtO. Said another way, an analysis method that is not identical to what ERG uses for the EPA study is not necessarily deficient, although it might take a trained chemist to understand the differences. On this point, we also recommend including a requirement that the selected lab has a certification like NELAC or ISO 17025, as well as experience performing ambient (versus solely industrial hygiene) analyses.
4. Do believe that 4 sample collection sites will suffice? Do they look adequately placed, especially if Vantage places sample points near their facility?
  - > We are less concerned about the number of sites than of the exact placement. Five of the eight sites in the EPA Willowbrook study were chosen after a detailed dispersion modeling study was conducted on Sterigenics. Two of the sites chosen were meant to characterize maximum concentrations while three other sites were based on the modeled receptors, prevailing winds, and the presence of residential areas and/or schools. The community basically picked the other three sites; they were off our modeling grid. EPA/Region 5 would be happy to work with you to provide modeling that will allow Lake County to fine tune the canister locations before the monitoring would begin.

A few more detailed thoughts:

> **Vantage:** Your two eastern sites cover residential areas nicely. The southwestern site appears to be quite industrial; be cognizant of any biasing sources in the immediate vicinity. The northwestern site is "off-axis" for a dominant spring wind direction. Also wondering if you might want to add a site along the dominant southwest to northeast flow axis but further out; perhaps  $\geq 0.5$  mile from the facility. We did measure elevated EtO up to 0.5 miles out from Sterigenics although each facility is obviously different.

> **Medline:** The only site in a residential area is located to the southwest (landings at Amhurst Lake). The site to the southeast is just past a big distribution center with lots of truck trailers. Please be aware of some theories linking EtO to diesel emissions (right now we don't have any specifics on this connection; EPA/OTAQ is researching). Also wondering if placing a site downwind (to the NE) near or in the Park City Mobile Home Park is worth considering. That's  $\geq 0.8$  miles out.

> **For all sites** – be cognizant of free air flow by making sure that sampling tripods are away from trees, buildings, and other obstructions to the greatest extent practicable given the surroundings. The need for site security and accessibility is also critical.

5. Do you believe that we can use wind direction and speed data from the Waukegan airport? They have very good data and could save some expense. The airport is 2.8 miles NE of Vantage and 5.9 miles NNE of Medline.

> While it's always advantageous to have on-site met data, Waukegan Regional should be sufficient for your needs. We are attaching seasonal wind roses from that airport as created by one of our meteorologists. Please be aware that under light wind conditions, very close in sites may measure concentrations that are inconsistent with the apparent wind rose for that day because dispersion may be influenced by building factors and/or fugitive emissions that are too micro scale to link to prevailing meteorology.

Any assistance you can provide is greatly appreciated. Thanks in advance.

Larry

**Lawrence J. Mackey, LEHP**

*Deputy Director, Prevention*

Lake County Health Department and Community Health Center

500 W. Winchester Road, Suite 102 | Libertyville, IL 60048

Tel: 847.377.7788 | Fax: 847.984.5622

[health.lakecountyil.gov](http://health.lakecountyil.gov)

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*Healthy Choices. Healthier People. Healthiest Communities.*

Message

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**Sent:** 10/30/2018 5:07:49 PM  
**To:** Siegel, Kathryn [siegel.kathryn@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]; Nam, Ed [nam.ed@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Frank, Nathan [frank.nathan@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]  
**CC:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** FW: House Environment Committee on Sterigenics scheduled

Margaret and I had an interesting conversation today with our colleagues from Cook County Dept of Sustainability. A couple of items of note—Cook County inspectors did a joint inspection of Ele with an air inspector from IEPA—George Ordija. Cook Co. will share their inspection report when available. It doesn't sound like they found anything of particular note though.

Also, they told us that at Illinois House committee hearings on Sterigenics last week, an there was testimony from an industrial hygienist who is working with Meade Electric, which is about to move some personnel into a new facility about ½ mile from Sterigenics. He stated that he measured EtO concentrations of 1.7ug/m3 indoors at the facility, with all air systems running. I don't know when this occurred, but presumably after the controls were installed.

Alexis Cain  
USEPA-Region 5  
(312) 886-7018  
cain.alexis@epa.gov

---

**From:** Laura Oakleaf1 (Environment and Sustainability) [mailto:Laura.Oakleaf@cookcountyil.gov]  
**Sent:** Tuesday, October 30, 2018 11:26 AM  
**To:** Cain, Alexis <cain.alexis@epa.gov>  
**Cc:** Deborah Stone1 (Environment and Sustainability) <Deborah.Stone@cookcountyil.gov>; Kevin Schnoes1 (Environment and Sustainability) <Kevin.Schnoes@cookcountyil.gov>  
**Subject:** FW: House Environment Committee on Sterigenics scheduled

Hi Alexis,  
My apologies, but I don't have Margaret's email, would you mind sharing with her as well?

Below is the information for the hearing. It was a joint hearing with the House Energy Committee, the chair of that Committee is Representative Chapa LaVia. Unfortunately the link is no longer live because the hearing is passed, but I would suggest either reaching out the Clerk's office or Representative Sente's office for more details.

The Bill that I mentioned is HB  
5983. <http://www.ilga.gov/legislation/billstatus.asp?DocNum=5983&GAID=14&GA=100&DocTypeID=HB&LegID=113457&SessionID=91>

---

**From:** Laura Oakleaf1 (Environment and Sustainability)  
**Sent:** Friday, October 19, 2018 2:35 PM  
**To:** Deborah Stone1 (Environment and Sustainability); Kevin Schnoes1 (Environment and Sustainability)  
**Subject:** House Environment Committee on Sterigenics scheduled

<http://www.ilga.gov/house/committees/hearing.asp?hearingid=16334&CommitteeID=1899>

**Hearing Scheduled for Oct 26, 2018**

**Create Witness Slips**



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<b>Chairperson</b>	Carol Sente
<b>Republican Spokesperson</b>	John Cavaletto
<b>Scheduled Date:</b>	Oct 26, 2018 10:00AM
<b>Location:</b>	C-600, 6th Floor Michael A. Bilandic Building Chicago, IL
<b>Posting Date:</b>	Oct 16, 2018 4:20PM
<b>Subject Matter:</b>	SUBJECT MATTER: Sterigenics Willowbrook Facility.
<b>Acting Clerk of the House</b>	John W. Hollman

Laura Oakleaf  
Legislative Coordinator  
Cook County Department of Environment and Sustainability  
69 W. Washington St., Ste 1900  
Chicago IL 60602  
312-603-8250

Message

---

**From:** Nam, Ed [nam.ed@epa.gov]  
**Sent:** 4/12/2019 7:13:42 PM  
**To:** Siegel, Kathryn [siegel.kathryn@epa.gov]; Cain, Alexis [cain.alexis@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]  
**Subject:** Fwd: Letter to IEPA  
**Attachments:** Signed Final Response Letter to Mr. John Kim\_3.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Koerber, Mike" <Koerber.Mike@epa.gov>  
**Date:** April 12, 2019 at 1:12:06 PM CDT  
**To:** "Armitage, Julie" <Julie.Armitage@Illinois.gov>  
**Cc:** "Nam, Ed" <nam.ed@epa.gov>, "Newton, Cheryl" <Newton.Cheryl@epa.gov>  
**Subject:** Letter to IEPA

Julie: Just making sure that you got this. At your convenience, I'd like to talk about IEPA's role in the May 29 public meeting.

Mike



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 11 2019

OFFICE OF  
AIR AND RADIATION

Mr. John Kim  
Acting Director, Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Dear Acting Director Kim,

Thank you for taking the time to meet on Monday, April 1. I felt like we had a productive discussion, and I appreciated the details you shared about your ongoing work related to the Sterigenics Willowbrook facility, as well as the Medline and Vantage facilities in Lake County.

As part of our continuing engagement with the Willowbrook community, we are planning a public meeting in May to provide updates on our work, including our risk assessment. Given Illinois EPA's key role in addressing emissions from the Sterigenics Willowbrook facility, I would like to invite your agency to co-host this meeting with U.S. EPA.

My staff in the Office of Air Quality Planning & Standards has begun working with community members to plan the meeting, which will include both an open house and an evening presentation session. They have received requests for your agency to provide two presentations on your Sterigenics-related work: one on the status of the seal order (or other updates as appropriate), and another on the water sampling study your agency conducted last year. We also anticipate that we will receive a number of questions related to the Medline and Vantage facilities in Lake County.

I plan to attend the meeting and would welcome the opportunity to talk with you in person.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. L. Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Assistant Administrator

cc: Cathy Stepp, EPA Region 5 Administrator

Message

---

**From:** Nwia, Jacqueline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D299B56BD7EF46709FB7465FD1E15466-JNWIA]  
**Sent:** 3/14/2019 1:53:38 PM  
**To:** Coughlin, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0d5e6e54dc1a4c62a892a97810249bef-JCoughlin]  
**Subject:** FW: Latest documents for web posting - Willowbrook EtO data

Well done!

---

**From:** Weinstock, Lewis  
**Sent:** Thursday, March 14, 2019 8:31 AM  
**To:** Compher, Michael <compher.michael@epa.gov>  
**Cc:** Nwia, Jacqueline <nwia.jacqueline@epa.gov>  
**Subject:** RE: Latest documents for web posting - Willowbrook EtO data

Hey Michael:

Justin's work was excellent – I need to pass it around here for feedback. I really do appreciate the quick response and the support.

Lewis Weinstock | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919-541-3661|

---

**From:** Compher, Michael  
**Sent:** Thursday, March 14, 2019 9:27 AM  
**To:** Weinstock, Lewis <Weinstock.Lewis@epa.gov>  
**Cc:** Nwia, Jacqueline <nwia.jacqueline@epa.gov>  
**Subject:** RE: Latest documents for web posting - Willowbrook EtO data

Thanks Lew, we'll let you know once we have completed our review.

# Deliberative Process / Ex. 5

Michael Compher  
Chief, Air Monitoring and Analysis Section  
Region 5 Air and Radiation Division  
U.S. Environmental Protection Agency  
Phone: 312-886-5745

---

**From:** Weinstock, Lewis  
**Sent:** Thursday, March 14, 2019 8:24 AM  
**To:** Compher, Michael <compher.michael@epa.gov>  
**Cc:** Nwia, Jacqueline <nwia.jacqueline@epa.gov>; Chen, Xi <Chen.Xi@epa.gov>; Noah, Greg <Noah.Greg@epa.gov>  
**Subject:** Latest documents for web posting - Willowbrook EtO data

Michael/Jackie:

These data have been cleared by Doris and Greg. Please review and let us know if you have any questions.

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Lewis Weinstock | Office of Air Quality Planning & Standards | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919-541-3661

Message

---

**From:** Stepp, Cathy [stepp.cathy@epa.gov]  
**Sent:** 11/26/2018 7:57:07 PM  
**To:** Kelley, Jeff [kelley.jeff@epa.gov]  
**CC:** Deamer, Eileen [deamer.eileen@epa.gov]; Davis, Alison [Davis.Alison@epa.gov]; Jones, Marjorie A [jones.marjorieA@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Nam, Ed [nam.ed@epa.gov]  
**Subject:** Re: Sterigenics and the EPA Finding

Let's try

Sent from my iPhone

On Nov 26, 2018, at 1:41 PM, Kelley, Jeff <kelley.jeff@epa.gov> wrote:

It looks like late afternoon today might work better for OAQPS ... is that a possibility for you, Cathy?

---

**Jeff Kelley**  
*Director, Office of External Communications*  
*U.S. EPA Region 5*  
*ph: 312-353-1159*

---

**From:** Stepp, Cathy  
**Sent:** Monday, November 26, 2018 1:39 PM  
**To:** Deamer, Eileen <deamer.eileen@epa.gov>  
**Cc:** Kelley, Jeff <kelley.jeff@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>; Jones, Marjorie A <jones.marjorieA@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Nam, Ed <nam.ed@epa.gov>  
**Subject:** Re: Sterigenics and the EPA Finding

Ok. Let's see if we can get OAQPS on too

Sent from my iPhone

On Nov 26, 2018, at 1:31 PM, Deamer, Eileen <deamer.eileen@epa.gov> wrote:

I spoke to Rep. Ives. She was appreciative of the call back and our efforts to put together a call in the morning. She would like it to be 10:30 a.m. Chicago time or later as she is driving down to Springfield in the morning.

Please advise.

Eileen

---

**From:** Kelley, Jeff  
**Sent:** Monday, November 26, 2018 1:04 PM  
**To:** Deamer, Eileen <deamer.eileen@epa.gov>  
**Subject:** FW: Sterigenics and the EPA Finding

FYI

---

**Jeff Kelley**

*Director, Office of External Communications*

*U.S. EPA Region 5*

*ph: 312-353-1159*

---

**From:** Stepp, Cathy

**Sent:** Monday, November 26, 2018 1:03 PM

**To:** Kelley, Jeff <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)>

**Cc:** Thiede, Kurt <[thiede.kurt@epa.gov](mailto:thiede.kurt@epa.gov)>

**Subject:** Re: Sterigenics and the EPA Finding

Let's get an OAQPS rep on call with her and us tomorrow.

Sent from my iPhone

On Nov 26, 2018, at 10:20 AM, Kelley, Jeff <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)> wrote:

Would you like Eileen to reach out to Rep. Ives to find out more about what she'd like to discuss? I assume the "recent US EPA report" she's referencing is the OAQPS statement about trans-2-butene, in which case we can try to arrange an opportunity for her to talk to them.

---

**Jeff Kelley**

*Director, Office of External Communications*

*U.S. EPA Region 5*

*ph: 312-353-1159*

---

**From:** Stepp, Cathy

**Sent:** Sunday, November 25, 2018 5:08 PM

**To:** Kelley, Jeff <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)>

**Cc:** Thiede, Kurt <[thiede.kurt@epa.gov](mailto:thiede.kurt@epa.gov)>

**Subject:** Fwd: Sterigenics and the EPA Finding

Sent from my iPhone

Begin forwarded message:

**From:** "Rep. Jeanne Ives" <[repjeanneives@gmail.com](mailto:repjeanneives@gmail.com)>

**Date:** November 25, 2018 at 2:33:52 PM CST

**To:** [Stepp.cathy@epa.gov](mailto:Stepp.cathy@epa.gov)

**Subject:** Sterigenics and the EPA Finding

Ms. Stepp,

As you may know, the Illinois General Assembly is considering legislation to ban the chemical ethylene oxide and shut down facilities using the chemical.



In light of the recent US EPA report released on November 21st, I have a few questions for you as this legislation may come before me for a vote this week.

I would like to have a brief conversation with you if you have time on Monday November 26th.

Thank you,

Jeanne Ives  
State Representative, 42nd District

**Personal Phone / Ex. 6**

Message

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**From:** Breneman, Sara [breneman.sara@epa.gov]  
**Sent:** 11/27/2017 5:15:51 PM  
**To:** Frank, Nathan [frank.nathan@epa.gov]  
**Subject:** FW: Modeling results for EtO emissions at Pelron

Know anything about either source?

**From:** Cain, Alexis  
**Sent:** Monday, November 27, 2017 9:49 AM  
**To:** Breneman, Sara <breneman.sara@epa.gov>  
**Subject:** FW: Modeling results for EtO emissions at Pelron

Hi Sara—in addition to Pelron, looks like we have another EtO source, Sterigenics, in Willowbrook, that has modeled risk of more than 1000 in a million. We'd like to make a visit to each of these facilities, but first want to find out whether AECAB wants to be involved.

Alexis Cain  
USEPA-Region 5  
(312) 886-7018  
[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)

**From:** Cain, Alexis  
**Sent:** Tuesday, November 21, 2017 1:33 PM  
**To:** Siegel, Kathryn <siegel.kathryn@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Nam, Ed <nam.ed@epa.gov>  
**Cc:** Breneman, Sara <breneman.sara@epa.gov>  
**Subject:** FW: Modeling results for EtO emissions at Pelron

Modeling results from Pelron, a chemical plant in Lyons, IL that is a major emitter of Ethylene Oxide (EtO):

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 There's a 7/30/2014 inspection report in ETS that does not indicate any compliance problems.

Alexis Cain  
USEPA-Region 5  
(312) 886-7018  
[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)

**From:** Sieffert, Margaret  
**Sent:** Tuesday, November 21, 2017 1:14 PM  
**To:** Nguyen, Phuong <Nguyen.Phuong@epa.gov>  
**Cc:** Cain, Alexis <cain.alexis@epa.gov>; Bollweg, George <bollweg.george@epa.gov>  
**Subject:** RE: Modeling results for EtO emissions at Pelron

Interesting results. I don't have any issues with the modeling parameters since those are what we received from OAQPS from NEI and will be used in the revised NATA run that should start soon. There wasn't a permit with any additional parameters to use either.

Our next steps could be to reach out to the facility. Considering this is a chemical plant we don't have alternatives to suggest but we could discuss their control use and see if there is anything additional they could do.

Thanks, Margaret

**From:** Nguyen, Phuong  
**Sent:** Tuesday, November 21, 2017 1:00 PM  
**To:** Sieffert, Margaret <Sieffert.Margaret@epa.gov>  
**Cc:** Cain, Alexis <cain.alexis@epa.gov>; Bollweg, George <bollweg.george@epa.gov>  
**Subject:** Modeling results for EtO emissions at Pelron

Hi Margaret,  
Below are model predicted concentrations for Pelron Facility.  
Max Period Ave.= 0.99 µg/m3

Max 1-hr. Ave.= 77.08  $\mu\text{g}/\text{m}^3$

Max 8-hr. Ave.=17.608  $\mu\text{g}/\text{m}^3$

Using the IUR=5.0E-3 per  $\mu\text{g}/\text{m}^3$

The Cancer Risk =  $0.99 \mu\text{g}/\text{m}^3 \times 5.0\text{E}-3 \text{ per } \mu\text{g}/\text{m}^3 = 0.00496$  or 4960 in a million

However, The max period concentrations first reached to houses (to the north of Pelron) was  $0.4 \mu\text{g}/\text{m}^3$  or cancer risk of 2000 in a million ( see attachments).

EJ screen showed population density within 1 mile from facility is about 9,998.

Model predicted concentrations are based on the following inputs:

Pelron's address 7847 W 47<sup>th</sup> ST, Lyons, IL 60534

Lat/lon (41.804700,-87.817048)

Stack coordinates X=432083.3, y=4628468.7

Emission Rates=0.0063g/s

Stack Height = 2.44 m

Stack Diameter=0.1 m

Stack Temperature=293.7 K

Stack Velocity =0.11856 m/s

Let me know if you have any questions. Before making further decision, make sure we are agreed with all modeling inputs.

Phuong

Message

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**From:** Frank, Nathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD8B205F55AB45DEA0C01F08E714F8C1-NFRANK02]  
**Sent:** 6/13/2018 1:00:33 PM  
**To:** Breneman, Sara [breneman.sara@epa.gov]  
**Subject:** Ele

## **Enforcement Techniques / Ex. 7(e) & Deliberative Process Ex. 5**

What are your thoughts?

**Nathan Frank P.E.** | Chief, Air Enforcement and Compliance Assurance Section (IL/IN)  
U.S. Environmental Protection Agency  
Region 5 (Serving the people of Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin and 35 Tribes)  
(312) 886-3850

Message

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**From:** Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Sent:** 4/8/2019 1:46:33 PM  
**To:** Nam, Ed [nam.ed@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]  
**Subject:** FW: Lake County petition  
**Attachments:** Petition-for-ATSDR-Health-Assessment-32619.pdf

FYI

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**From:** Sieffert, Margaret  
**Sent:** Thursday, April 04, 2019 4:20 PM  
**To:** Cain, Alexis <cain.alexis@epa.gov>; Siegel, Kathryn <siegel.kathryn@epa.gov>; Bollweg, George <bollweg.george@epa.gov>  
**Subject:** Lake County petition

Not sure if you were aware...

The Health Department has formally petitioned the National Center for Environmental Health / Agency for Toxic Substances and Disease Registry (ATSDR) to perform a health risk assessment based on ambient air quality sampling results, which are expected to be collected in June 2019 by a vendor to be hired by Lake County, City of Waukegan, and Village of Gurnee.

I spoke to Michelle and Mark today. ATSDR is going to tour Medline on April 16. They will then meet with county officials afterwards.

If you look on the Lake County website <https://www.lakecountyil.gov/4158/Ethylene-Oxide-in-Lake-County> and April 2 update there is a video from Health Department Executive Director presents to the Lake County Board Health and Community Services Committee there discussion about EtO in that area (source update, monitoring update, etc).

-Margaret

## Appointment

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**From:** Rakosnik, Delaney [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=274573739A9F446883072599086EDED-RAKOSNIK, D]  
**Sent:** 2/22/2019 7:35:32 PM  
**To:** Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Newton, Cheryl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae08c2f1c2304a61bf7c01de62f35dbf-Cenewton]; Thiede, Kurt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cc09fac5acc4ce1ba689fb2ce70d459-Thiede, Kur]; Nelson, Leverett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2229a07c2cb442b182332d9dcc325f13-LNelson]; Nam, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a2653f1ddd59470688ba557dd84d9690-Nam, Ed]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]; Brazauskas, Joseph [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=babf7b77aee4ffeaad446bb35e05b24-Brazauskas,]; Koerber, Mike [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9c513901d4fd49f9ab101a6f7a7a863e-Koerber, Mike]  
**CC:** Leopold, Matt (OGC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]  
**Subject:** Call with Region 5 re: Sterigenics  
**Attachments:** Re: Sterigenics - foundational support for USEPA's sampling data  
**Location:** WJC - N 5400 + **Personal Phone / Ex. 6**  
**Start:** 2/22/2019 9:15:00 PM  
**End:** 2/22/2019 10:00:00 PM  
**Show Time As:** Tentative

**TO:** Bill Wehrum, Clint Woods, Justin Schwab, Cheryl Newton, Kurt Thiede, Levertt Nelson, Ed Nam, Joe Brazaskas, Mike Koerber, David Harlow



Re: Sterigenics -  
foundational sup...

Message

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**From:** Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]  
**Sent:** 1/24/2019 3:30:05 PM  
**To:** Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]  
**Subject:** QFRs  
**Attachments:** EDIT for OAR 01242019 AM 2019.01.23 - PROGRAM OFFICE RESPONSES - ALL QFRs Wheeler 01.16.2019.docx

Please find attached a redline/bubbles, as discussed just now. ARLO is continuing to review RFS answers and I may transmit more feedback from them later.

# Attorney Client / Ex. 5

Message

**From:** Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]  
**Sent:** 1/23/2019 2:06:19 PM  
**To:** Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]  
**Subject:** FYI, from OLEM's answers

(OCIR to coordinate with Region 5 on responses to ii thru xiv; included here are versions of the R5 responses that were shared with OLEM on 1/22)

- ii. Whiting Metals, Whiting, Indiana (cited for harmful levels of airborne lead)
- iii. SH Bell, East Liverpool, Ohio (fence line monitoring, cited for airborne manganese)
- iv. SH Bell, Chicago, Illinois (fence line monitoring, cited for airborne manganese)
- v. Watco, Chicago, Illinois (fence line monitoring, cited for airborne manganese)
- vi. Sterigenics, Willowbrook, Illinois (ethylene oxide)
- vii. CII Rain Carbon, Robinson, Illinois (cited for airborne particulate matter)
- viii. NASCO, Chicago, Illinois (awaiting results of metal and particulate matter monitoring)
- ix. General Iron, Chicago, Illinois (cited for Volatile Organic Compounds)
- x. USS Lead, East Chicago, Illinois (superfund emergency removal for lead, relocation of residents, soil removal)

## Deliberative Process / Ex. 5

- xi. St. Regis Paper Co., Cass Lake, Minnesota (clean-up of dioxin, pentachlorophenol, PAHs)

### Deliberative Process / Ex. 5

- xii. Lukenheimer Foundry, Cincinnati Ohio (clean-up of heavy metals, corrosives, ignitable wastes)

## Deliberative Process / Ex. 5

- xiii. Graveyard Auto, Clarksville, Indiana (clean-up of leaking drums)

### Deliberative Process / Ex. 5

- xiv. C&H Mineral, Hubbel, MI (clean-up delayed of arsenic, lead)

## Deliberative Process / Ex. 5



Message

**From:** Schwab, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EED0F609C0944CC2BBDB05DF3A10AADB-SCHWAB, JUS]  
**Sent:** 1/22/2019 8:35:37 PM  
**To:** Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]  
**CC:** Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Shaw, Betsy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31ca1476a7674825a131cb2c0d6c88c8-BShaw03]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]; Tsirigotis, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c179f3ccb4fadb48e3ae85563f132-PTSIRIGO]; Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Shoaff, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac16fb09cf2c44adb34a7405dc331532-JShoaff]; Edwards, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3715bc4dfc3e4d6caf3af1bf2fc5ca77-JEdwar02]; Leopold, Matt (OGC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]  
**Subject:** RE: Draft QFR Responses  
**Attachments:** EDIT dsh2019.01.18 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw.docx

(+ OGC: Matt Leopold, David Fotouhi, Gautam Srinivasan)

Redline/bubbles attached. Any edits of the RFS answers provided separately to follow later this afternoon.

---

**From:** Woods, Clint  
**Sent:** Tuesday, January 22, 2019 1:21 PM  
**To:** Wehrum, Bill <Wehrum.Bill@epa.gov>  
**Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>  
**Subject:** Draft QFR Responses

Bill,

Attached for review by you and those CCed is the first set of draft responses to the questions for the record from Senate EPW. Please excuse my delay, and thanks to David for being the laboring oar this weekend.

Justin has confirmed that OAR was tasked with responding to ~99 of the 202 questions. The attached contains draft responses to the bulk of these with three exceptions:

- Highlighted yellow are a batch of renewable fuels-related questions for which Mandy is taking a crack at drafting;

- Highlighted **turquoise** are a limited number of more sensitive questions which contain specific requests for information for which you may have strong feelings on how to respond and/or may want to take a closer look at;
- Highlighted **green** are co-assigned to another part of EPA for which there may be greater equities, including more personalized inquiries for the Administrator's Office.

As a reminder, OCIR is hoping to get OAR's draft responses by 10:00 AM tomorrow, and then they intend to simultaneously provide the set to the Administrator and OMB at approximately noon. Please feel free to send corrections, particularly red flags, to me or David by the end of the day.

Clint Woods  
Deputy Assistant Administrator  
Office of Air and Radiation, U.S. EPA  
202.564.6562

Message

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**From:** Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]  
**Sent:** 12/27/2018 3:06:28 PM  
**To:** Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**Subject:** Fwd: - FW: DRAFT DELIBERATIVE.Shutdown question.docx  
**Attachments:** DRAFT DELIBERATIVE.Shutdown question+mt.docx; ATT00001.htm

You all have any feedback?

Begin forwarded message:

**From:** "Koerber, Mike" <Koerber.Mike@epa.gov>  
**Date:** December 27, 2018 at 10:05:28 AM EST  
**To:** "Lewis, Josh" <Lewis.Josh@epa.gov>, "Woods, Clint" <woods.clint@epa.gov>  
**Subject:** FW: - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Josh, Clint: We are working on another batch of Q&As for the website and think it would be include to address the "shutdown" question. Here is what we sent to OAR a couple weeks ago – see below and attachment. My understanding is that David and Justin were planning to review. Let me know if there is any feedback on the draft response – either the shorter version of the attached longer version. Thanks.

Mike

---

**From:** Davis, Alison  
**Sent:** Thursday, December 13, 2018 11:58 AM  
**To:** Lewis, Josh <Lewis.Josh@epa.gov>  
**Cc:** Koerber, Mike <Koerber.Mike@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>  
**Subject:** - FW: DRAFT DELIBERATIVE.Shutdown question.docx  
**Importance:** High

Josh – please see Mike Thrift’s comments. We had included Deliberative Process / Ex. 5 from an earlier email from Sonja, but she defers to Mike as the expert on this issue

Shorter version for call:

# Deliberative Process / Ex. 5

---

**From:** Thrift, Mike

**Sent:** Thursday, December 13, 2018 11:48 AM

**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>; Davis, Alison <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>; Doster, Brian <[Doster.Brian@epa.gov](mailto:Doster.Brian@epa.gov)>

**Subject:** RE: Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Here are some suggested edits in the attached, and explanations for them:

## Deliberative Process & Attorney Client / Ex. 5

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**From:** Rodman, Sonja

**Sent:** Thursday, December 13, 2018 7:03 AM

**To:** Thrift, Mike <[thrift.mike@epa.gov](mailto:thrift.mike@epa.gov)>

**Subject:** Fwd: Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Mike, can you look at this?

Sent from my iPhone

Begin forwarded message:

**From:** "Davis, Alison" <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>

**Date:** December 13, 2018 at 9:58:31 AM EST

**To:** "Rodman, Sonja" <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>

**Subject:** Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

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**From:** Davis, Alison

**Sent:** Wednesday, December 12, 2018 6:40 PM

**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>

**Subject:** DRAFT DELIBERATIVE.Shutdown question.docx

As requested. For your review.

Message

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**From:** Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]  
**Sent:** 1/24/2019 9:22:45 PM  
**To:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**CC:** Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]  
**Subject:** Revised draft of QFR responses with OAR equities  
**Attachments:** Woods Harlow Schwab EDIT for OAR 01242019 AM 2019.01.23 - PROGRAM OFFICE RESPONSES - ALL QFRs Wheeler 01.16.2019.docx

All,

Attached is an RLSO of what Clint and I have managed to come up with by way of revisions intended to be responsive to the Acting Administrator's comments.

Justin, if you would be so good as to incorporate into this document the further revisions you have with respect to the RFS-related questions, and thereafter forward the document, as further revised, to Tony, Clint and I would be grateful. Thanks!

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

Message

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**From:** Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]  
**Sent:** 1/23/2019 12:22:51 AM  
**To:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]; Tsirigotis, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c179f3ccb4fadb48e3ae85563f132-PTSIRIGO]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Edwards, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3715bc4dfc3e4d6caf3af1bf2fc5ca77-JEdwar02]; Shoaff, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac16fb09cf2c44adb34a7405dc331532-JShoaff]; Lubetsky, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e125d09a658e48119789ccae5712b4a5-JLUBETSK]  
**Subject:** Revised draft of answers to QFRs  
**Attachments:** dshcwRLSO2019.01.22 - PROGRAM OFFICE DESIGNATED - ALL QFRs Wheeler 01.16.2019 cw2 5.07.docx

All,

Attached is the latest draft of the QFR responses. It is in the form of an RLSO that reflects all of the changes made to the document that Clint had circulated earlier today, incorporating those revisions made by Bill, Clint, Justin, and Sarah. We'll be adding responses to the RFS-related questions tomorrow.

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

Message

---

**From:** Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]  
**Sent:** 12/27/2018 4:07:21 PM  
**To:** Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**Subject:** RE: - FW: DRAFT DELIBERATIVE.Shutdown question.docx  
**Attachments:** 303q&a.docx

Clint,

Maybe something like this?

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**  
**1200 Pennsylvania Avenue NW**  
**Washington, DC 20460**  
**202-564-1233**  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

---

**From:** Harlow, David  
**Sent:** Thursday, December 27, 2018 10:29 AM  
**To:** Woods, Clint <woods.Clint@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>  
**Subject:** RE: - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Clint,

Yes, I don't like it.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

I'm working on some alternative language. I'll pass it along shortly.

**David S. Harlow**  
**Senior Counsel**  
**Immediate Office of the Assistant Administrator**  
**Office of Air and Radiation, USEPA**  
**WJC-N Room 5409K**

1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

---

**From:** Woods, Clint  
**Sent:** Thursday, December 27, 2018 10:06 AM  
**To:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Schwab, Justin <[schwab.justin@epa.gov](mailto:schwab.justin@epa.gov)>  
**Subject:** Fwd: - FW: DRAFT DELIBERATIVE.Shutdown question.docx

You all have any feedback?

Begin forwarded message:

**From:** "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>  
**Date:** December 27, 2018 at 10:05:28 AM EST  
**To:** "Lewis, Josh" <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>, "Woods, Clint" <[woods.clint@epa.gov](mailto:woods.clint@epa.gov)>  
**Subject:** FW: - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Josh, Clint: We are working on another batch of Q&As for the website and think it would be include to address the "shutdown" question. Here is what we sent to OAR a couple weeks ago – see below and attachment. My understanding is that David and Justin were planning to review. Let me know if there is any feedback on the draft response – either the shorter version of the attached longer version. Thanks.

Mike

---

**From:** Davis, Alison  
**Sent:** Thursday, December 13, 2018 11:58 AM  
**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>  
**Cc:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>  
**Subject:** - FW: DRAFT DELIBERATIVE.Shutdown question.docx  
**Importance:** High

Josh – please see Mike Thrift's comments. We had included the "bar" language from an earlier email from Sonja, but she defers to Mike as the expert on this issue

Shorter version for call:

# Deliberative Process / Ex. 5



---

**From:** Thrift, Mike

**Sent:** Thursday, December 13, 2018 11:48 AM

**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>; Davis, Alison <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>; Doster, Brian <[Doster.Brian@epa.gov](mailto:Doster.Brian@epa.gov)>

**Subject:** RE: Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Here are some suggested edits in the attached, and explanations for them:

# Deliberative Process / Ex. 5

---

**From:** Rodman, Sonja

**Sent:** Thursday, December 13, 2018 7:03 AM

**To:** Thrift, Mike <[thrift.mike@epa.gov](mailto:thrift.mike@epa.gov)>

**Subject:** Fwd: Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

Mike, can you look at this?

Sent from my iPhone

Begin forwarded message:

**From:** "Davis, Alison" <[Davis.Alison@epa.gov](mailto:Davis.Alison@epa.gov)>

**Date:** December 13, 2018 at 9:58:31 AM EST

**To:** "Rodman, Sonja" <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>

**Subject:** Per my voicemail - FW: DRAFT DELIBERATIVE.Shutdown question.docx

---

**From:** Davis, Alison

**Sent:** Wednesday, December 12, 2018 6:40 PM

**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>

**Subject:** DRAFT DELIBERATIVE.Shutdown question.docx

As requested. For your review.

Message

---

**From:** Nelson, Leverett [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2229A07C2CB442B182332D9DCC325F13-LNELSON]  
**Sent:** 2/14/2019 11:20:46 PM  
**To:** Stepp, Cathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=befdafc0fa1a425eae232f60ad9bda1d-Stepp, Cath]; Thiede, Kurt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3cc09fac5acc4ce1ba689fb2ce70d459-Thiede, Kur]  
**CC:** Newton, Cheryl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae08c2f1c2304a61bf7c01de62f35dbf-Cenewton]; Nam, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a2653f1ddd59470688ba557dd84d9690-Nam, Ed]; Holst, Linda [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=97e4a65add9494fa193c98dd5d12b55-LHolst]  
**Subject:** Quick Updates on 3 Matters  
**Attachments:** **Attorney Client & Deliberative / Ex. 5**

Cathy/Kurt-

1. **Attorney Client & Deliberative / Ex. 5**
2. **Attorney Client & Deliberative / Ex. 5**
3. **Attorney Client & Deliberative / Ex. 5**

Thanks. -Rett

Message

**From:** Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]  
**Sent:** 12/14/2018 10:09:08 PM  
**To:** Rodman, Sonja [Rodman.Sonja@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]  
**CC:** Shappley, Ned [Shappley.Ned@epa.gov]; Rimer, Kelly [Rimer.Kelly@epa.gov]  
**Subject:** RE: Draft Letter  
**Attachments:** image2018-12-06-114650.pdf

Sonja, Jillian – Thanks again for your help last week. Attached is the letter that was sent on December 6. Kathy Hoffman  
**Deliberative Process / Ex. 5** If you have time next week, then I'd like to talk with you about this. Thank you.

Mike

---

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 04, 2018 6:42 PM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Cc:** Shappley, Ned <Shappley.Ned@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Subject:** FW: Draft Letter

Mike, Jill had some excellent suggestions and shared with me some language she uses and I thought it was very good.

**Attorney Client / Ex. 5**

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Rountree, Jillian  
**Sent:** Tuesday, December 04, 2018 6:15 PM  
**To:** Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Subject:** RE: Draft Letter

Hi Sonja,

Please see attached for R5's standard CBI statement, and below

**Attorney Client / Ex. 5**

**Attorney Client / Ex. 5**

## Deliberative Process & Attorney Client / Ex. 5

*Jillian Rountree*

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

312-353-3849

Some of my email messages and attachments contain information that is privileged, confidential, or prohibited from disclosure under applicable law. If you believe you may have received this message in error, please inform the sender immediately. Further, do not read, print, or distribute any messages or attachments received in error. Immediately delete and otherwise destroy any such messages and attachments. Thank you.

---

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 4, 2018 4:55 PM  
**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Subject:** FW: Draft Letter

FYI

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Shappley, Ned  
**Sent:** Tuesday, December 04, 2018 5:38 PM  
**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Cc:** Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>  
**Subject:** RE: Draft Letter

Sonja,

Thank you for the feedback and the edits.

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Ned

---

**From:** Koerber, Mike  
**Sent:** Tuesday, 4 December, 2018 17:12  
**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Cc:** Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>; Shappley, Ned <[Shappley.Ned@epa.gov](mailto:Shappley.Ned@epa.gov)>  
**Subject:** RE: Draft Letter

Thanks, Sonja, for the quick response. Your edits are fine with me, but I agree that it would be good to loop in Jill. I'll hold the letter until I hear back from her or you.

Mike

---

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 04, 2018 5:04 PM  
**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>  
**Cc:** Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>; Shappley, Ned <[Shappley.Ned@epa.gov](mailto:Shappley.Ned@epa.gov)>  
**Subject:** FW: Draft Letter

Mike,

**Attorney Client / Ex. 5**

# Attorney Client / Ex. 5

**Attorney Client / Ex. 5**

Thanks – Sonja

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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*appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.*

---

**From:** Koerber, Mike

**Sent:** Tuesday, December 04, 2018 4:33 PM

**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>

**Cc:** Shappley, Ned <[Shappley.Ned@epa.gov](mailto:Shappley.Ned@epa.gov)>; Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>

**Subject:** Draft Letter

Sonja –

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Mike



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH TRIANGLE PARK, NC 27711

Ms. Kathy Hoffman, Sr. Vice President  
Sterigenics International, LLC  
2015 Spring Road  
Oak Brook, Illinois 60523

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

Dear Ms. Hoffman:

I am writing to request that Sterigenics provide the U.S. Environmental Protection Agency (EPA), with ethylene oxide usage rates for each of your facilities<sup>1</sup> located in Willowbrook, Illinois. Specifically, EPA is requesting that you provide us with the daily ethylene oxide usage rates for the duration of our ambient sampling effort which commenced on November 12, 2018, and is expected to continue until the end of February 2019. EPA also requests that this information be submitted as expeditiously as possible, so we may evaluate the representativeness of our ambient sampling.

Please email all files except any over which you wish to assert a claim of business confidentiality to [Shappley.ned@epa.gov](mailto:Shappley.ned@epa.gov) with the subject line "Sterigenics daily usage" or you may mail this data to:

Office of Air Quality Planning and Standards  
Air Quality Assessment Division (E143-02)  
Attn: Mr. Ned Shappley  
U.S. Environmental Protection Agency  
Research Triangle Park, NC 27711

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Please do not transmit electronically (i.e. via email, fax or ftp) any information for which you wish to assert a such a claim. Any such information should be mailed to Ms. Tiffany Purifoy, our Document Control Officer, at the address provided below. Data and associated files for which you are asserting a claim should be marked with the words "Confidential Business Information".

Office of Air Quality Planning and Standards  
Central Operations and Resources (C404-02)  
Attn: Ms. Tiffany Purifoy, Document Control Officer (Project 090)  
U.S. Environmental Protection Agency  
Research Triangle Park, NC 27711


---

<sup>1</sup> Willowbrook I, located at 830 Midway Drive, Willowbrook, Illinois 60521 and Willowbrook II, located at 7775 Quincy Street, Willowbrook, Illinois 60521.

Any assertions of business confidentiality should be made with specificity as provided for in 40 CFR 2.203. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

If you have any questions, please contact Ned Shappley of my staff at 919-541-7903 or [shappley.ned@epa.gov](mailto:shappley.ned@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Koerber". The signature is fluid and cursive, with the first name "Michael" and last name "Koerber" clearly distinguishable.

Michael Koerber  
Deputy Director

Office of Air Quality Planning and Standards

cc: Ed Nam, EPA Region 5  
Tiffany Purifoy, OAQPS/CORE  
Erika Sasser, OAQPS/HEID  
Kelly Rimer, OAQPS/HEID  
Darcie Smith, OAQPS/HEID  
Richard Wayland, OAQPS/AQAD  
Lew Weinstock, OAQPS/AQAD  
Steffan Johnson, OAQPS/AQAD  
Ned Shappley, OAQPS/AQAD



Message

**From:** Koerber, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C513901D4FD49F9AB101A6F7A7A863E-KOERBER, MIKE]  
**Sent:** 12/17/2018 4:40:49 PM  
**To:** Rountree, Jillian [Rountree.Jillian@epa.gov]  
**CC:** Rodman, Sonja [Rodman.Sonja@epa.gov]; Shappley, Ned [Shappley.Ned@epa.gov]; Rimer, Kelly [Rimer.Kelly@epa.gov]  
**Subject:** Re: Draft Letter

Yes, please

Sent from my iPhone

On Dec 17, 2018, at 11:12 AM, Rountree, Jillian <Rountree.Jillian@epa.gov> wrote:

Hi Mike and Sonja,

I'm available this week. Would you like me to schedule a conference call amongst those on this email?

Jill

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

Some of my email messages and attachments contain information that is privileged, confidential, or prohibited from disclosure under applicable law. If you believe you may have received this message in error, please inform the sender immediately. Further, do not read, print, or distribute any messages or attachments received in error. Immediately delete and otherwise destroy any such messages and attachments. Thank you.

---

**From:** Koerber, Mike  
**Sent:** Friday, December 14, 2018 4:09 PM  
**To:** Rodman, Sonja <Rodman.Sonja@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Cc:** Shappley, Ned <Shappley.Ned@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>  
**Subject:** RE: Draft Letter

Sonja, Jillian – Thanks again for your help last week. Attached is the letter that was sent on December 6.

**Attorney Client / Ex. 5**

Mike

---

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 04, 2018 6:42 PM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Cc:** Shappley, Ned <Shappley.Ned@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>; Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Subject:** FW: Draft Letter

Mike, Jill had some excellent suggestions and shared with me some language she uses and I

**Attorney Client / Ex. 5**

# Attorney Client / Ex. 5

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Rountree, Jillian  
**Sent:** Tuesday, December 04, 2018 6:15 PM  
**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Subject:** RE: Draft Letter

Hi Sonja,

Please see attached for **Attorney Client / Ex. 5**

**Attorney Client / Ex. 5**

Jill

## Deliberative Process & Attorney Client / Ex. 5

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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---

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 4, 2018 4:55 PM  
**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Subject:** FW: Draft Letter

FYI

Sonja L. Rodman

Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Shappley, Ned  
**Sent:** Tuesday, December 04, 2018 5:38 PM  
**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Cc:** Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>  
**Subject:** RE: Draft Letter

Sonja,

Thank you for the feedback and the edits.

# Attorney Client / Ex. 5

Thank you,  
Ned

---

**From:** Koerber, Mike  
**Sent:** Tuesday, 4 December, 2018 17:12  
**To:** Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Cc:** Rimer, Kelly <[Rimer.Kelly@epa.gov](mailto:Rimer.Kelly@epa.gov)>; Shappley, Ned <[Shappley.Ned@epa.gov](mailto:Shappley.Ned@epa.gov)>  
**Subject:** RE: Draft Letter

Thanks, Sonja, for the quick response. Your edits are fine with me, but I agree that it would be good to loop in Jill. I'll hold the letter until I hear back from her or you.

Mike

**From:** Rodman, Sonja  
**Sent:** Tuesday, December 04, 2018 5:04 PM  
**To:** Koerber, Mike <Koerber.Mike@epa.gov>  
**Cc:** Rimer, Kelly <Rimer.Kelly@epa.gov>; Shappley, Ned <Shappley.Ned@epa.gov>  
**Subject:** FW: Draft Letter

Mike,

**Attorney Client / Ex. 5**

# Attorney Client / Ex. 5

**Attorney Client / Ex. 5** Thanks – Sonja

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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**From:** Koerber, Mike  
**Sent:** Tuesday, December 04, 2018 4:33 PM  
**To:** Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Cc:** Shappley, Ned <Shappley.Ned@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>  
**Subject:** Draft Letter

Sonja –

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Mike

Message

---

**Sent:** 5/3/2019 3:35:30 PM  
**To:** Breneman, Sara [breneman.sara@epa.gov]; Siegel, Kathryn [siegel.kathryn@epa.gov]  
**CC:** Furey, Eileen [furey.eileen@epa.gov]; Cain, Alexis [cain.alexis@epa.gov]  
**Subject:** RE: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Thanks. Looks good to me too. Just a few questions:

38: are we getting input from Kurt? We don't know if he or Cathy reached out to OECA during this period.

---

**From:** Breneman, Sara  
**Sent:** Friday, May 03, 2019 8:50 AM  
**To:** Siegel, Kathryn <siegel.kathryn@epa.gov>  
**Cc:** Furey, Eileen <furey.eileen@epa.gov>; Cain, Alexis <cain.alexis@epa.gov>; Nam, Ed <nam.ed@epa.gov>  
**Subject:** Re: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Already did.

On May 3, 2019, at 8:32 AM, Siegel, Kathryn <siegel.kathryn@epa.gov> wrote:

Thanks for catching that, Eileen. I will send to Ronna now and copy this group.

I left Alison Davis a voicemail that we drafted some answers that are being reviewed by Region 5 management. Sara, do you want to give anyone at OECA a heads-up?

---

**From:** Furey, Eileen  
**Sent:** Friday, May 03, 2019 8:19 AM  
**To:** Siegel, Kathryn <siegel.kathryn@epa.gov>; Cain, Alexis <cain.alexis@epa.gov>  
**Cc:** Breneman, Sara <breneman.sara@epa.gov>; Nam, Ed <nam.ed@epa.gov>  
**Subject:** RE: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Katie – Looks good. In #38, “new articles” should be “news articles.” Looping Ed in for awareness (draft Susan Bodine answers).

Eileen L. Furey  
Deputy Director  
Air and Radiation Division  
U.S. EPA Region 5  
(312) 886-7950

---

**From:** Siegel, Kathryn  
**Sent:** Thursday, May 02, 2019 4:09 PM  
**To:** Cain, Alexis <cain.alexis@epa.gov>  
**Cc:** Furey, Eileen <furey.eileen@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>  
**Subject:** RE: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Updates below. Thanks for talking through!

37. Before the 2014 National Air Toxics Assessment (NATA) information was publicly available, several communities had voiced concerns about dangerous levels of ethylene oxide emissions. What is the record of EPA receiving such concerns and what was OECA's involvement in responding to those concerns?

## Deliberative Process / Ex. 5

38. How was OECA consulted when the ethylene oxide emissions from the Sterigenics facility in Willowbrook, IL were being addressed by EPA? How were plans put into place regarding ambient air monitoring and did other offices in EPA consult with OECA on those plans? If so, what were the recommendations of OECA career and political staff and what was EPA's response to OECA input?

## Deliberative Process / Ex. 5

39. More than 100 ethylene oxide hotspot locations were identified in the 2014 NATA results (over 100 per million cancer risk). Are these communities being informed of those air toxics assessment screening results and will any of those communities, beyond DuPage, IL receive additional study and air monitoring by EPA? How will OECA be consulted about those plans?

## Deliberative Process / Ex. 5

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**From:** Siegel, Kathryn  
**Sent:** Thursday, May 02, 2019 12:53 PM  
**To:** Cain, Alexis <[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)>  
**Cc:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Breneman, Sara <[breneman.sara@epa.gov](mailto:breneman.sara@epa.gov)>  
**Subject:** RE: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Alexis,

Thanks so much for answering. I made a few additional comments. Adding Sara and Eileen for their feedback. Happy to set up a few mins to discuss in person, if that's easier.

Once we have a final version, Ronna will review, then send to Cheryl and Kurt for final feedback, before it goes out of the region to OAQPS, OECA and OCIR. Ronna has a message into OCIR about this now and will share any additional insights. Thanks!

---

**From:** Cain, Alexis

**Sent:** Thursday, May 02, 2019 10:40 AM

**To:** Siegel, Kathryn <[siegel.kathryn@epa.gov](mailto:siegel.kathryn@epa.gov)>

**Subject:** RE: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

# Deliberative Process / Ex. 5

Alexis Cain  
USEPA-Region 5  
(312) 886-7018  
[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)

---

**From:** Siegel, Kathryn

**Sent:** Thursday, May 02, 2019 10:09 AM

**To:** Cain, Alexis <[cain.alexis@epa.gov](mailto:cain.alexis@epa.gov)>

**Subject:** FW: TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Alexis, heads-up that we've been asked to answer these questions. Could you take a first crack at the first three? Thanks!

## Ethylene oxide emissions and Sterigenics, Willowbrook facility

37. Before the 2014 National Air Toxics Assessment (NATA) information was publicly available, several communities had voiced concerns about dangerous levels of ethylene oxide emissions. What is the record of EPA receiving such concerns and what was OECA's involvement in responding to those concerns?
38. How was OECA consulted when the ethylene oxide emissions from the Sterigenics facility in Willowbrook, IL were being addressed by EPA? How were plans put into place regarding ambient air monitoring and did other offices in EPA consult with OECA on those plans? If so, what were the recommendations of OECA career and political staff and what was EPA's response to OECA input?
39. More than 100 ethylene oxide hotspot locations were identified in the 2014 NATA results (over 100 per million cancer risk). Are these communities being informed of those air toxics assessment screening results and will any of those communities, beyond DuPage, IL receive additional study and air monitoring by EPA? How will OECA be consulted about those plans?
40. Will actions to address the ethylene oxide emissions be a part of the upcoming Unified Agenda of Regulatory and Deregulatory Actions? If so, will OECA career staff be part of the action (e.g. rulemaking) workgroup(s)?

---

**From:** Beckmann, Ronna Erin

**Sent:** Thursday, May 02, 2019 10:01 AM

**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>; Nam, Ed <[nam.ed@epa.gov](mailto:nam.ed@epa.gov)>; Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Siegel, Kathryn <[siegel.kathryn@epa.gov](mailto:siegel.kathryn@epa.gov)>

**Cc:** Rowan, Anne <[rowan.anne@epa.gov](mailto:rowan.anne@epa.gov)>; Kelley, Jeff <[kelley.jeff@epa.gov](mailto:kelley.jeff@epa.gov)>; Deamer, Eileen <[deamer.eileen@epa.gov](mailto:deamer.eileen@epa.gov)>; Girard, Alexander <[girard.alexander@epa.gov](mailto:girard.alexander@epa.gov)>; Thiede, Kurt <[thiede.kurt@epa.gov](mailto:thiede.kurt@epa.gov)>

**Subject:** TIME SENSITIVE: FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Please see attached questions (37-40) regarding EtO from OCIR. Thoughts on how best to draft responses and coordinate with HQ?

Thanks,

Ronna Beckmann

Office of External Communications

U.S. Environmental Protection Agency, Region 5

312-886-0689

[beckmann.ronna@epa.gov](mailto:beckmann.ronna@epa.gov)

---

**From:** Levine, Carolyn

**Sent:** Thursday, May 02, 2019 9:53 AM

**To:** Beckmann, Ronna Erin <[beckmann.ronna@epa.gov](mailto:beckmann.ronna@epa.gov)>; Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>; Taheri, Diane <[Taheri.Diane@epa.gov](mailto:Taheri.Diane@epa.gov)>; Bokun, Lisa <[Bokun.Lisa@epa.gov](mailto:Bokun.Lisa@epa.gov)>; Wolfe, Michael <[Wolfe.Michael@epa.gov](mailto:Wolfe.Michael@epa.gov)>; Cyran, Carissa <[Cyran.Carissa@epa.gov](mailto:Cyran.Carissa@epa.gov)>; Lubetsky, Jonathan <[Lubetsky.Jonathan@epa.gov](mailto:Lubetsky.Jonathan@epa.gov)>; Hanley, Mary <[Hanley.Mary@epa.gov](mailto:Hanley.Mary@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>



**Cc:** Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>;  
Emmerson, Caroline <[Emmerson.Caroline@epa.gov](mailto:Emmerson.Caroline@epa.gov)>; Folkemer, Nathaniel  
<[Folkemer.Nathaniel@epa.gov](mailto:Folkemer.Nathaniel@epa.gov)>; Janifer, Pamela <[Janifer.Pamela@epa.gov](mailto:Janifer.Pamela@epa.gov)>; Snyder, Raquel  
<[Snyder.Raquel@epa.gov](mailto:Snyder.Raquel@epa.gov)>

**Subject:** FOR REVIEW: Susan Bodine Hearing QFRs with OCSPP, OW, Regions 5, 6 equities

Hi everyone,

Attached are hearing Questions for the Record (QFRs) from OECA AA Susan Bodine's February 26, 2019, House Energy and Commerce Subcommittee on Oversight & Investigations hearing on EPA's enforcement program. OECA has identified some questions which have equities for OAR, OCSPP, Region 5 and Region 6. Please review the attached draft assignment list and let me know if you have any questions or suggestions regarding the proposed assignments.

Please send your draft responses to me (R5, R6) + Sven (OCSSP) or Pat (OAR), cc: Caroline and Nate in OECA as well, ensuring upper management clearance by **12pm (ET) on Tuesday, May 7**.

Please let me know any questions. Thank you!

Carolyn

---

*Carolyn Levine*  
*Office of Congressional and*  
*Intergovernmental Relations*  
U.S. EPA  
(202) 564-1859  
[levine.carolyn@epa.gov](mailto:levine.carolyn@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

SEP 15 2008

Joanne K. Cashin  
Registration Compliance Advisor  
Arc Specialty Products  
P.O. Box 600  
New Hampton, New York 10958

Subject: Ethylene Oxide 100%  
EPA Registration 36736-2  
Amendment Dated: June 16, 2008  
EPA Received Date: June 17, 2008

Dear Joanne K. Cashin

The following amendment submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, is acceptable.

**Proposed Amendment**

Revised Label  
Adding Language for Ethylene Oxide

**General Comments**

A stamped copy of the accepted label is enclosed for your records. Submit (3) copies of your final printed label before distributing or selling the product bearing the revised labeling.

Should you have any questions or comments concerning this letter, please contact Velma Noble at (703)308-6233.

Sincerely,

CONCURRENCES			
YNSOL	7/2/08		Velma Noble
URNAM			Product Manager (31)
ATE			Regulatory Management Branch 1
			Antimicrobial Division (7510C)

2/4.

**DANGER! CAUSES EYE AND SKIN BURNS. HARMFUL IF INHALED  
MAY CAUSE NERVOUS SYSTEM DAMAGE.**

**DANGER! CANCER HAZARD AND REPRODUCTIVE HAZARD**

**EFFECTS OF OVEREXPOSURE:** May be fatal if inhaled in high concentrations. May cause irritation of the respiratory tract, chest tightness, headache, nausea, vomiting, diarrhea, light-headed feeling, dizziness, weakness, drowsiness, cyanosis, loss of coordination, convulsions, coma, delayed lung injury (fluid in the lungs), immediate or delayed skin irritation or blisters, allergic skin reaction.

**OTHER POSSIBLE DELAYED HEALTH EFFECTS:**

May cause nervous system injury, cataracts, adverse reproductive effects, chromosomal and mutagenic changes, and cancer.

PEL: 1 PPM TWA (as per the Ethylene Oxide Standard 29 CFR 1910.1047).

EL: 5 PPM - excursion limit 15 minutes.

**ODOR:** Ether-like at high concentrations. Exposure to toxic levels may occur without warning to or detection by the user.

**PRECAUTIONS** - Do not breathe vapor. Do not swallow. Do not get in eyes, on skin, or on clothing. Store and use with adequate ventilation in accordance with the Ethylene Oxide Standard (29 CFR 1910.1047).

### PERSONAL PROTECTION EQUIPMENT (PPE):

A material that is chemical-resistant to this product is butyl rubber.

**All handlers must wear at a minimum:**

Long-sleeved shirt and long pants.

Shoes plus socks.

Chemical-resistant gloves, and

- The employer should provide a respirator that is adequate to protect the health of the employee and ensure compliance with all other OSHA statutory and regulatory requirements (see 29 CFR 1910.1047 and 29 CFR 1910.134).

When handlers could have eye or skin contact with ETO or ETO solutions, such as during maintenance and repair, vessel cleaning, or cleaning up spills, they must wear:

- Chemical-resistant attire, such as an apron, protective suit, or footwear that protects the area of the body that might contact ETO or ETO solutions, and
- face-sealing goggles, a full face shield, or a full-face respirator.

**When wearing respirators:**

1. Follow the respirator manufacturer's user's instructions for changing canisters.
2. Respirators must be fit-tested and fit-checked using a program that conforms to OSHA's requirements (see 29CFR Part 1910.134).
3. Respirator users must be trained using a program that conforms to OSHA's requirements (see 29CFR Part 1910.134).

4. Respirator users must be examined by a qualified medical practitioner to ensure physical ability to safely wear the style of respirator to be worn. A qualified medical practitioner is a physician or other licensed health care professional (PLHCP) who will evaluate the ability of a worker to wear a respirator. The initial evaluation consists of a questionnaire that asks about medical conditions (such as a heart condition) that would be problematic for respirator use. If concerns are identified, then additional evaluations, such as a physical exam, might be necessary. The initial evaluation must be done before respirator use begins. It does not need to be repeated unless the health status of respirator use conditions change (see 29CFR Part 1910.134).

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

## User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

**PHYSICAL OR CHEMICAL HAZARDS:**

**DANGER - HIGHLY FLAMMABLE LIQUID AND GAS UNDER PRESSURE**

Contents under pressure. Do not use near flame, sparks, hot surfaces, or allow sources of ignition near the sterilization/fumigation area. Ethylene Oxide is extremely flammable and reactive. Ground all equipment (including this container) to prevent sparks.

**LEAK:** In case of leak evacuate area and keep personnel upwind. Shut off all sources of ignition. Use self-contained breathing apparatus and protective clothing, and shut off leak if without risk.

**FIRE** • In case of fire move co

**ENVIRONMENTAL HAZARD:**  
Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

It is imperative that users of this material be familiar with ARC Specialty Products' Material Safety Data Sheet for 100% Ethylene Oxide, the label and valve tag attached to this cylinder.

EPA Registration No. 36736-2

EPA Establishment No. ☐ 36736-NY-01  
☐ 36736-SC-01  
☐ 36736-MO-01

Users must follow requirements  
Standard for Ethylene Oxide (29)  
**FIRST AID**

IN ALL CASES OF OVERDOSE, IMMEDIATELY TAKE PERSON TO TREATMENT FACILITY AT ONCE.

**IF INHALED:** Move person breathing. call 911 or an ambulance, preferably by mouth-to-mouth, or oxygen. Call a poison control center even if there are no symptoms. Symptoms may be delayed.

**IF ON SKIN OR CLOTHING:**  
Rinse skin immediately with plenty of water. Call poison control center or doctor for more information.

contaminated clothing and discard if swallowed - Call poison treatment advice. Have person Do not induce vomiting. Do not person.

**IF IN EYES:** Hold eye open an 20 minutes. Call a poison contro **HOTLINE NUMBER:** Have the

**NOTE TO PHYSICIAN:** Skin result in skin irritation with concentrations, severe conjunct

3/4

**ACC**  
**SEP**  
Under the Federal  
Rodenticide Act &  
pesticide register  
EPA Reg. No. 3

by a qualified medical  
safely wear the style of  
medical practitioner is a  
professional (PLHCP) who  
as a respirator. The initial  
that asks about medical  
that would be problematic  
identified, then additional  
might be necessary. The  
respirator use begins. It  
is the health status of  
(FR Part 1910.134).

maintaining PPE. If no  
and hot water. Keep

chewing gum,  
pesticide gets inside.  
ing this product.  
on as possible,

**UNDER**

arks, hot surfaces, or  
ation area. Ethylene  
und all equipment

unnel upwind. Shut  
hing apparatus and

if without risk. Use

to lakes, streams,  
accordance with the  
Elimination System  
is notified in writing  
ing this product to  
sewage treatment  
Board or Regional

th ARC Specialty  
Oxide, the label

**ETHYLENE  
OXIDE**  
STERILANT/FUMIGANT  
ACTIVE INGREDIENT: ETHYLENE OXIDE, 100%  
(CAS NO. 75-21-8)

**Keep Out of Reach of Children**

**DANGER PELIGRO**  
PRECAUTION AL USUARIO: Si usted no lee ingles,  
no use este producto hasta que la etiqueta le haya  
sido explicada ampliamente.

Users must follow requirements of the OSHA Occupational Exposure  
Standard for Ethylene Oxide (29 CFR 1910.1047).  
**FIRST AID**

**IN ALL CASES OF OVEREXPOSURE GET MEDICAL ATTENTION  
IMMEDIATELY. TAKE PERSON TO A DOCTOR OR EMERGENCY  
TREATMENT FACILITY AT ONCE.**

**IF INHALED:** Move person to fresh air. Keep warm. If person is not  
breathing, call 911 or an ambulance, then give artificial respiration,  
preferably by mouth-to-mouth, if possible. If breathing is difficult, give  
oxygen. Call a poison control center or doctor for further treatment advice,  
even if there are no symptoms. Keep under medical observation -  
symptoms may be delayed.

**IF ON SKIN OR CLOTHING:** Take off contaminated clothing and shoes.  
Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison  
control center or doctor for treatment advice. Aerate, wash or clean  
contaminated clothing and discard leather goods.

**IF SWALLOWED:** Call poison control center or doctor immediately for  
treatment advice. Have person sip two glasses of water if able to swallow.  
Do not induce vomiting. Do not give anything by mouth to an unconscious  
person.

**IF IN EYES:** Hold eye open and rinse slowly and gently with water for 15-  
20 minutes. Call a poison control center or doctor for treatment advice.

**NOTICE:** Have the product container or label with you when  
calling a poison control center or doctor, or going for treatment. You may  
also contact 1-800-424-9300 for emergency medical treatment information.

**NOTE TO PHYSICIAN:** Skin exposure to Ethylene Oxide will commonly  
result in skin irritation with extensive blister formation. At high  
concentrations, severe conjunctivitis can occur. Irritation of the respiratory  
tract may occur, but without acute lung edema. Symptoms of systemic  
intoxication are headache, nausea, vomiting, incoordination, and cardiac  
irregularities. Treatment is symptomatic.

Refer to ARC Specialty Products' Ethylene Oxide MSDS. If unable to locate  
MSDS for this product, please call ARC Specialty Products at the telephone  
number below and request that one be sent immediately.

**DIRECTIONS FOR USE**

It is a violation of Federal Law to use this  
with its labeling. Employers in facilities that  
the requirements for ETO use specified in  
may be used only in facilities that meet  
Oxide Standard (29 CFR 1910.1047). If  
non-portable (commercial) vacuum or gas  
with 20% ethylene oxide, 80% carbon dioxide  
only by persons who have been trained  
Oxide Standard (29 CFR 1910.1047). With  
items, this product must be used in non-  
oxide gas sterilizers that have FDA clearance

In contract sterilization facilities, including for  
equipment and supplies, musical instrument  
cosmetics, and spices the following require:

Sterilization/fumigation with ETO must be performed in  
tight chambers designed for use with ETO.  
Safety and awareness training is required for  
staff. Information and training must be provided  
at the time of initial assignment and annually  
must include, at a minimum, the following information:

1. The most recent monitored ambient level
2. The potential health effects from the level
3. The emergency response plan and how to
4. The availability of the Material Safety Data Sheet related to the health hazards of exposure

In order to reduce ambient levels of ethylene  
encouraged. It can reduce potential long-term  
involved in the ethylene oxide applications.

Air monitoring should include the entire facility  
areas, and loading/unloading areas.

**1. AS A STERILANT AND FUMIGANT GAS**  
A. For complete use directions (including  
items/products recommended for treatment  
concentration of gas per unit volume of  
exposure time/temperature, relative humidity,  
method of monitoring to be used) refer to the  
manufacturers' Operators Manuals.

This product may be used only to sterilize  
pharmaceuticals, and aseptic packaging, (see  
reduce microbial load on cosmetics, whole  
seasoning materials (see 40 CFR 180.151) and  
or library objects.

**USE THIS PRODUCT WITHIN 120 DAYS  
OF ITS PURCHASE.**

**DO NOT REMOVE THIS LABEL**

**In case of accident or emergency  
call CHEMTREC at 1-800-424-9300**

801137 (Rev. 06/08 - supersedes 05/07)

4/4

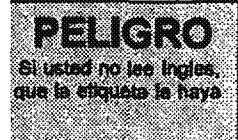
**ACCEPTED**

**SEP 15 2008**

Under the Federal Insecticide, Fungicide, and  
Rodenticide Act as amended, for the  
pesticide registered under  
EPA Reg. No. 36736-2



of Children



SHA Occupational Exposure  
110.1047).

**SEEK MEDICAL ATTENTION  
A DOCTOR OR EMERGENCY**

air. Keep warm. If person is not  
e, then give artificial respiration.  
ible. If breathing is difficult, give  
doctor for further treatment advice.  
ep under medical observation -

contaminated clothing and shoes.  
ster for 15-20 minutes. Call a poison  
it advice. Aerate, wash or clean  
r goods.

if center or doctor immediately for  
glasses of water if able to swallow.  
ything by mouth to an unconscious

slowly and gently with water for 15-  
or doctor for treatment advice.

l container or label with you when  
r, or going for treatment. You may  
ncy medical treatment information.  
s to Ethylene Oxide will commonly  
sive blister formation. At high  
n occur. Irritation of the respiratory  
ng edema. Symptoms of systemic  
miting, incoordination, and cardiac

ne Oxide MSDS. If unable to locate  
Specialty Products at the telephone  
ent immediately.

#### DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Employers in facilities that use ETO must comply with all of the requirements for ETO use specified in 29 CFR 1910.1047. This product may be used only in facilities that meet the requirements of the Ethylene Oxide Standard (29 CFR 1910.1047). This product may be used only in non-portable (commercial) vacuum or gas-tight chambers designed for use with 20% ethylene oxide, 80% carbon dioxide. This product may be used only by persons who have been trained in accordance with the Ethylene Oxide Standard (29 CFR 1910.1047). When used to sterilize health care items, this product must be used in non-portable (commercial) ethylene oxide gas sterilizers that have FDA clearance.

In contract sterilization facilities, including facilities treating medical equipment and supplies, musical instruments, library/museum artifacts, cosmetics, and spices the following requirements must be followed:

Sterilization/fumigation with ETO must be performed only in vacuum or gas tight chambers designed for use with ETO. Safety and awareness training is required for all employees including office staff. Information and training must be provided to all employees in the facility at the time of initial assignment and annually thereafter. The safety training must include, at a minimum, the following information:

1. The most recent monitored ambient levels of ETO in the facility;
2. The potential health effects from the levels of ETO in the facility;
3. The emergency response plan and how to respond in an emergency;
4. The availability of the Material Safety Data Sheet and other materials related to the health hazards of exposure to ETO.

In order to reduce ambient levels of ethylene oxide, lengthy facility aeration is encouraged. It can reduce potential long-term risks to employees not directly involved in the ethylene oxide applications.

Air monitoring should include the entire facility including office space, break areas, and loading/unloading areas.

#### 1. AS A STERILANT AND FUMIGANT GAS:

A. For complete use directions (including type of surfaces, objects, or items/products recommended for treatment, pre-cleaning instructions, concentration of gas per unit volume of closed space to be treated, exposure time/temperature, relative humidity, ventilation/aeration time, and method of monitoring to be used) refer to the ethylene oxide gas sterilizer manufacturers' Operators Manuals.

This product may be used only to sterilize medical or laboratory items, pharmaceuticals, and aseptic packaging, (see 21 CFR 201.1(d)(5)), or to reduce microbial load on cosmetics, whole and ground spices or other seasoning materials (see 40 CFR 180.151) and artifacts, archival material or library objects.

**USE THIS PRODUCT WITHIN 120 DAYS  
OF ITS PURCHASE**

**DO NOT REMOVE THIS LABEL**

**In case of accident or emergency,  
call CHEMTREC at 1-800-424-9300.**

801137 (Rev. 06/08 - supersedes 05/07)

**Net Contents:** \_\_\_\_\_ lbs.

This product may not be used on or in any form of basil.

After August 1, 2008, this product may only be applied to or on spices, dried vegetables or seasonings utilizing an ETO sterilization method that uses a single sterilization chamber to pre-condition and aerate with an alternating vacuum and aeration purging procedure. If you wish to employ an alternative method to that described below, you must contact the Environmental Protection Agency Office of Pesticide Programs for instruction on how to receive authorization.

Place spices in the treatment chamber. Assure that the mixture of ethylene oxide and air is compatible with the chamber design, then, introduce into the chamber a concentration of Ethylene Oxide not to exceed 500 mg/L, with a dwell time not to exceed 8 hours. Then evacuate the gas from the chamber using a sequence of not less than: 21 steam washes (injections and evacuations) between 1.5 PSIA (27" Hg) and 5.0 PSIA (20" Hg) while maintaining a minimum chamber temperature of 115° F.

B. Sterilization/fumigation with Ethylene Oxide must be performed only in vacuum or gas tight chambers designed for use with Ethylene Oxide.

C. Ethylene Oxide cycle parameters depend on several sterilizing/fumigating variable factors: pre-conditioning (if any); exposure time; chamber air pressure; gas concentration; types and quantities of items to be sterilized/fumigated; packaging; load configuration in the chamber; microbial challenge method; desired degree of disinfection; and the desired performance of the sterilized/fumigated product and package.

D. The sterilization/fumigation cycle parameters should be those prescribed by the equipment manufacturer. If other cycle parameters are used, the safety and efficacy of the alternate cycle parameters must be validated and are the responsibility of the user.

**NEVER USE PARAMETERS WHICH ALLOW FLAMMABLE MIXTURES OF ETHYLENE OXIDE AND AIR TO ENTER THE CHAMBER.**

**2. INSTALLATION AND OPERATION OF THE CONTAINER:** Follow the directions on the valve tag attached to this container.

#### STORAGE AND DISPOSAL

Do not contaminate food, feed, or water by storage and disposal.

**PESTICIDE STORAGE:** Use in accordance with tag attached to valve. Store in cool, well-ventilated area. Avoid exposure to heat or direct sunlight as may cause polymerization.

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray, or mixture of rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

**CONTAINER DISPOSAL:** When empty, return to supplier only. Before returning container to supplier:

1. Pressurize container with nitrogen to 50 psig total pressure at 70° F.
2. Replace valve plug tightly in valve outlet.
3. Check container valve and plug for leaks prior to shipment.

Distributed By:  
**ARC Specialty Products**  
Babson Corporation  
P.O. Box 600 • New Hampton, NY 10958  
Tel: 845-328-6911  
Fax: 845-328-2700  
[www.arcspecialtyproducts.com](http://www.arcspecialtyproducts.com)

Message

---

**From:** Rountree, Jillian [Rountree.Jillian@epa.gov]  
**Sent:** 1/29/2019 1:13:38 AM  
**To:** Rodman, Sonja [Rodman.Sonja@epa.gov]  
**Subject:** FW: Sterigenics

Hi Sonja,

# Attorney Client / Ex. 5

Jill

*Jillian Rountree*

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

312-353-3849

Some of my email messages and attachments contain information that is privileged, confidential, or prohibited from disclosure under applicable law. If you believe you may have received this message in error, please inform the sender immediately. Further, do not read, print, or distribute any messages or attachments received in error. Immediately delete and otherwise destroy any such messages and attachments. Thank you.

---

**From:** Heyde, John M. <jheyde@sidley.com>  
**Sent:** Wednesday, January 2, 2019 1:51 PM  
**To:** Rountree, Jillian <Rountree.Jillian@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Subject:** Sterigenics

Hi Jillian and Sonja,

Sorry I missed your call last week; I was out of the office between Christmas and New Year. I'm back in the office and happy to talk. I understand you are likely out of the office until the shutdown is over, but feel free to call or email when you are able.

-- John

**JOHN M. HEYDE**

Counsel

**SIDLEY AUSTIN LLP**

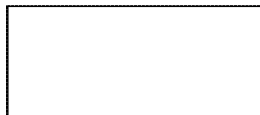
One South Dearborn

Chicago, IL 60603

+1 312 853 7716

[jheyde@sidley.com](mailto:jheyde@sidley.com)

[www.sidley.com](http://www.sidley.com)



\*\*\*\*\*  
\*\*\*\*\*

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immediately.

\*\*\*\*\*  
\*\*\*\*\*

Message

---

**From:** Wakefield, Benjamin J. [wakefield.benjamin@epa.gov]  
**Sent:** 12/14/2018 7:02:04 PM  
**To:** Rodman, Sonja [Rodman.Sonja@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]  
**CC:** Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]  
**Subject:** RE: Sterigenics

Sonja and Brian,

Both Chris and Erin are out today.

# Deliberative Process / Ex. 5

Thanks for the opportunity to review. Please let me know if you'd like to discuss further.

- Ben

---

Benjamin J. Wakefield  
U.S. Environmental Protection Agency  
Office of General Counsel, Pesticides & Toxic Substances Law Office  
1200 Pennsylvania Ave., N.W., Mail Code 2333A  
Washington, D.C. 20460  
Tel: 202-564-3186  
[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)

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---

**From:** Grant, Brian  
**Sent:** Friday, December 14, 2018 1:38 PM  
**To:** Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Wakefield, Benjamin J. <wakefield.benjamin@epa.gov>  
**Cc:** Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Subject:** FW: Sterigenics

I'm forwarding to Chris K who is the assistant for TRI but I believe is out today, and Erin and Ben who I believe work on TRI. If one of you is in can you please get back to Sonja? Thanks.

*Brian Grant*  
EPA Office of General Counsel  
Pesticides and Toxic Substance Law Office  
202-564-5503

---

**From:** Rodman, Sonja  
**Sent:** Friday, December 14, 2018 1:36 PM  
**To:** Grant, Brian <Grant.Brian@epa.gov>  
**Subject:** Fwd: Sterigenics

Brian, sorry to bother you with this, but I'm not sure who handles TRI issues. Can you forward to someone who might be able to review. I think they're trying to get this out today. The company in question is a commercial sterilizer and has significant emissions of EtO which is a big issue due to the revised IRIS value. I'm under the weather today and not in the office.

Sent from my iPhone

Begin forwarded message:

**From:** "Clark, Katherine" <Clark.Katherine@epa.gov>  
**Date:** December 14, 2018 at 12:13:57 PM EST  
**To:** "Rountree, Jillian" <Rountree.Jillian@epa.gov>, "Davis, Alison" <Davis.Alison@epa.gov>, "Rodman, Sonja" <Rodman.Sonja@epa.gov>  
**Cc:** "Turk, David" <Turk.David@epa.gov>, "Berckes, Nicole" <Berckes.Nicole@epa.gov>, "Miles, James" <miles.james@epa.gov>, "Presler, Amos" <presler.amos@epa.gov>, "Milton, Philip" <Milton.Philip@epa.gov>  
**Subject:** Fw: Sterigenics

ENFORCEMENT CONFIDENTIAL FOIA EXEMPT INTERNAL DELIBERATIVE

In response to your request for draft language. Note that this language is now going up the communications review chain.

Kathy

Attorney for EPA  
Waste and Chemical Enforcement Division  
telework today - 703 300-6534

**From:** Turk, David  
**Sent:** Friday, December 14, 2018 11:29 AM  
**To:** Clark, Katherine; Berckes, Nicole  
**Subject:** RE: Sterigenics

Kathy,

I'm fine with sharing the draft response; though, we've started to send it up the communications review chain, which will loop in communications teams for OECA and R5. Here's the pertinent info.

Here's the inquiry:

I noticed that EPA's Toxics Release Inventory (TRI) database does not contain information on Sterigenics' releases into the environment for calendar year 2017 for any of its nine U.S. facilities.

As I understand the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 and its implementing regulations, this information was due to EPA by July 1, 2018.

Can you provide any comment on why the information is missing, and what EPA is doing to include it in the TRI database?

Here's our draft response:

**Attorney Client & Deliberative Process / Ex. 5**

**Attorney Client & Deliberative Process / Ex. 5**

-Dave, 202-566-1527

---

**From:** Clark, Katherine  
**Sent:** Friday, December 14, 2018 11:25 AM  
**To:** Turk, David <[Turk.David@epa.gov](mailto:Turk.David@epa.gov)>; Berckes, Nicole <[Berckes.Nicole@epa.gov](mailto:Berckes.Nicole@epa.gov)>  
**Subject:** Fw: Sterigenics

FYI. do you want to send proposed language as requested below?

Kathy

---

**From:** Rodman, Sonja  
**Sent:** Friday, December 14, 2018 11:22 AM  
**To:** Rountree, Jillian  
**Cc:** Clark, Katherine; Davis, Alison  
**Subject:** Re: Sterigenics

Please include Alison Davis on any draft response. Thanks.

Sent from my iPhone

On Dec 14, 2018, at 11:21 AM, Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)> wrote:

I believe they are preparing a response for today, but I have not seen the inquiry.

*Jillian Rountree*

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

312-353-3849

---

**From:** Rodman, Sonja  
**Sent:** Friday, December 14, 2018 10:17 AM  
**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Cc:** Clark, Katherine <[Clark.Katherine@epa.gov](mailto:Clark.Katherine@epa.gov)>  
**Subject:** Re: Sterigenics

Thanks Jill, I also sent this on to some of the HQ media folks who are working on ETO issues. Do you need to respond today?

Sent from my iPhone

On Dec 14, 2018, at 10:55 AM, Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)> wrote:

Hi Kathy,

I've cc'ed the OGC attorney on this matter, Sonja Rodman. Sonja, Kathy is working with HQ TRI folks on a media inquiry about why Sterigenics is not reporting to TRI. Thanks,

Jill

*Jillian Rountree*

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

77 W. Jackson Blvd. (C-14J), Cube 18010

Chicago, Illinois 60604

312-353-3849

[routree.jillian@epa.gov](mailto:routree.jillian@epa.gov)

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<Sterigenics U.S. LLC-Complaint FILED 10-30-2018.pdf>

**From:** Rountree, Jillian [Rountree.Jillian@epa.gov]  
**Sent:** 2/14/2019 10:54:15 PM  
**To:** Rodman, Sonja [Rodman.Sonja@epa.gov]  
**Subject:** RE: Questions on Sterigenics Meeting

## Attorney Client & Deliberative / Ex. 5

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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---

**From:** Rodman, Sonja  
**Sent:** Thursday, February 14, 2019 4:48 PM  
**To:** Rountree, Jillian <Rountree.Jillian@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>  
**Cc:** Siegel, Kathryn <siegel.kathryn@epa.gov>; Cain, Alexis <cain.alexis@epa.gov>  
**Subject:** RE: Questions on Sterigenics Meeting

Thanks Jill. I'd like our communications people to take a look at this before it is used. I'll be talking to Allison tomorrow and will get back to you with her reaction. Thanks! - Sonja

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Rountree, Jillian  
**Sent:** Thursday, February 14, 2019 5:28 PM  
**To:** Nam, Ed <nam.ed@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>  
**Cc:** Rodman, Sonja <Rodman.Sonja@epa.gov>; Siegel, Kathryn <siegel.kathryn@epa.gov>; Cain, Alexis <cain.alexis@epa.gov>  
**Subject:** Questions on Sterigenics Meeting

ATTORNEY CLIENT PRIVILEGED; DELIBERATIVE  
Ed and Eileen,

## Attorney Client & Deliberative / Ex. 5

Jill

# Attorney Client & Deliberative / Ex. 5

***Jillian Rountree***

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

77 W. Jackson Blvd. (C-14J), Cube 18010

Chicago, Illinois 60604

312-353-3849

[rountree.jillian@epa.gov](mailto:rountree.jillian@epa.gov)

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Message

---

**From:** Schwab, Justin [Schwab.Justin@epa.gov]  
**Sent:** 4/1/2019 8:15:02 PM  
**To:** Rodman, Sonja [Rodman.Sonja@epa.gov]  
**CC:** Anderson, Lea [anderson.lea@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]  
**Subject:** RE: Ethylene Oxide Sterilizers Briefing Paper  
**Attachments:** EDIT Sterilizers NESHAP briefing\_DRAFT\_21\_MAR\_2019.docx

Whoops – please find attached for real this time.

---

**From:** Schwab, Justin  
**Sent:** Monday, April 1, 2019 4:13 PM  
**To:** Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Cc:** Anderson, Lea <anderson.lea@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Subject:** RE: Ethylene Oxide Sterilizers Briefing Paper

Redline attached. If you agree with my additions, please scrub for typos etc. and fill in the additional explanation called for in my bubble, and then good to send to Matt for his binder (I don't need to see it again unless you have more questions). Please let me know when it's been sent to Matt and please send me the version that gets sent.

---

**From:** Rodman, Sonja  
**Sent:** Monday, April 1, 2019 3:36 PM  
**To:** Schwab, Justin <Schwab.Justin@epa.gov>  
**Cc:** Anderson, Lea <anderson.lea@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Subject:** RE: Ethylene Oxide Sterilizers Briefing Paper

Justin, Did you have any thoughts on this briefing paper? Would you be OK with this going to Matt? Thanks – Sonja

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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---

**From:** Rodman, Sonja  
**Sent:** Thursday, March 21, 2019 12:09 PM  
**To:** Schwab, Justin <schwab.justin@epa.gov>  
**Cc:** Anderson, Lea <anderson.lea@epa.gov>; Elliott Zenick <Zenick.Elliott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Subject:** Ethylene Oxide Sterilizers Briefing Paper

Justin, Attached for your review is a draft briefing paper that flags potential legal issues in the Commercial Ethylene Oxide Sterilizers NESHAP review. We would like to send this to Matt sometime next week and would like any comments from you by **COB Monday, March 25<sup>th</sup>** (I will be out so please include Lea in any response). Given that the purpose of the briefing paper is simply to keep Matt informed of issues arising in the context of that rulemaking, we



thought it might be most efficient to simply send him a briefing paper. If you think we also need to set up an in person briefing, please let us know. Regards – Sonja

Sonja L. Rodman  
Office of General Counsel, U.S. EPA  
(202) 564-4079

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Message

---

**Sent:** 5/6/2019 3:36:52 PM  
**To:** Pamenter, Kathryn [KPamenter@atg.state.il.us]  
**CC:** Wallace, Elizabeth [EWallace@atg.state.il.us]; Wells, Christopher [CWells@atg.state.il.us]  
**Subject:** RE: Sterigenics - Check-in

Katie,

Thank you so much for sending along this important update. We would appreciate it if you could let us know if/when Sterigenics refiles in state court. Thank you,

Jill

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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---

**From:** Pamenter, Kathryn <KPamenter@atg.state.il.us>  
**Sent:** Saturday, May 4, 2019 9:47 AM  
**To:** Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Cc:** Wallace, Elizabeth <EWallace@atg.state.il.us>; Wells, Christopher <CWells@atg.state.il.us>  
**Subject:** Re: Sterigenics - Check-in

Jillian

As an update to our emails of yesterday, late yesterday afternoon, Judge Castillo dismissed the federal court litigation. A copy of the Order is attached.

If you have any questions, please let us know.

Thank you.

Katie

Kathryn A. Pamenter  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, IL 60602

Phone: 312-814-0608  
Fax: 312-814-2347  
Email: [KPamenter@atg.state.il.us](mailto:KPamenter@atg.state.il.us)

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---

**From:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Sent:** Friday, May 3, 2019 12:36 PM  
**To:** Pamenter, Kathryn  
**Cc:** Wallace, Elizabeth; Wells, Christopher  
**Subject:** RE: Sterigenics - Check-in

Thanks so much Katie! Have a good weekend,

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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---

**From:** Pamenter, Kathryn <[KPamenter@atg.state.il.us](mailto:KPamenter@atg.state.il.us)>  
**Sent:** Friday, May 3, 2019 12:35 PM  
**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Cc:** Wallace, Elizabeth <[EWallace@atg.state.il.us](mailto:EWallace@atg.state.il.us)>; Wells, Christopher <[CWells@atg.state.il.us](mailto:CWells@atg.state.il.us)>  
**Subject:** Sterigenics - Check-in

Jillian

It was a pleasure to speak with you. As we discussed, Sterigenics filed its Answer in the State Court action yesterday, a copy of which is attached. The next hearing in the State Court matter is scheduled on Thursday, May 9<sup>th</sup>. In the Federal Litigation, the motion to dismiss and motion for settlement conference remain pending. As you noted, settlement negotiations are ongoing.

Per your request, we will let you know if a construction permit application is submitted, and

Attorney Client, Attorney Work Product / Ex. 5

**Attorney Work Product / Ex. 5**

If you have any additional questions in the interim, please contact us (Beth will be back next Thursday).

Thank you.  
Katie

Kathryn A. Pamentor  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, IL 60602  
Phone: 312-814-0608  
Fax: 312-814-2347  
Email: [KPamentor@atg.state.il.us](mailto:KPamentor@atg.state.il.us)

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Appointment

---

**From:** Rountree, Jillian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D304E5E55A54908B24B17E57ECDBF3C-JROUNTRE]  
**Sent:** 11/13/2018 3:56:24 PM  
**To:** Rountree, Jillian [Rountree.Jillian@epa.gov]; Heyde, John M. [jheyde@sidley.com]  
**CC:** Taylor, Byron F. [bftaylor@sidley.com]; Rodman, Sonja [Rodman.Sonja@epa.gov]  
**BCC:** R5ORC-ConfCallLine-MMBI-S4/Conference-Call-Line/R5-ORC [R5ORC-ConfCallLine-MMBI-S4-Conference-Call-Line-R5-ORC@epa.gov]  
  
**Subject:** Sterigenics CBI claims  
**Location:** R5ORC-ConfCallLine-MMBI-S4/Conference-Call-Line/R5-ORC  
  
**Start:** 11/13/2018 9:30:00 PM  
**End:** 11/13/2018 10:00:00 PM  
**Show Time As:** Busy

conference phone number is Personal Privacy / Ex. 6 and the conference ID is Personal Privacy / Ex. 6

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**From:** Heyde, John M. <jheyde@sidley.com>  
**Sent:** Tuesday, November 13, 2018 8:37 AM  
**To:** Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Cc:** Taylor, Byron F. <bftaylor@sidley.com>; Rodman, Sonja <Rodman.Sonja@epa.gov>  
**Subject:** RE: Sterigenics CBI claims

That works for me, Jillian; thanks.

-- John

**JOHN M. HEYDE**  
Counsel

**SIDLEY AUSTIN LLP**  
+1 312 853 7716  
[jheyde@sidley.com](mailto:jheyde@sidley.com)

---

**From:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Sent:** Monday, November 12, 2018 10:54 PM  
**To:** Heyde, John M. <[jheyde@sidley.com](mailto:jheyde@sidley.com)>  
**Cc:** Taylor, Byron F. <[bftaylor@sidley.com](mailto:bftaylor@sidley.com)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Subject:** RE: Sterigenics CBI claims

Hi John,

Let's plan on 3:30 pm CT/4:30 pm ET tomorrow (Tuesday), but I'll be in touch if that time is not available for my colleague, Sonja, who will be joining the call. It should be a quick call. Please call the conference phone number at 202 991-0477, and the conference ID is Personal Privacy / Ex. 6

Thanks,

Jill

**Jillian Rountree**

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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**From:** Heyde, John M. <[jheyde@sidley.com](mailto:jheyde@sidley.com)>  
**Sent:** Saturday, November 10, 2018 1:30 PM  
**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Cc:** Taylor, Byron F. <[bftaylor@sidley.com](mailto:bftaylor@sidley.com)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Subject:** RE: Sterigenics CBI claims

Hi Jillian,

I am tied up Tuesday morning, but I could talk during your after-3-p.m. slot on Tuesday. If you'd like to pick a specific time, I can either call you or we can set up a call-in number.

-- John

**JOHN M. HEYDE**  
Counsel

**SIDLEY AUSTIN LLP**  
+1 312 853 7716  
[jheyde@sidley.com](mailto:jheyde@sidley.com)

---

**From:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>  
**Sent:** Friday, November 9, 2018 2:44 PM  
**To:** Heyde, John M. <[jheyde@sidley.com](mailto:jheyde@sidley.com)>  
**Cc:** Taylor, Byron F. <[bftaylor@sidley.com](mailto:bftaylor@sidley.com)>; Rodman, Sonja <[Rodman.Sonja@epa.gov](mailto:Rodman.Sonja@epa.gov)>  
**Subject:** RE: Sterigenics CBI claims

Hi John,

Thank you for your prompt response regarding this issue. Could we discuss further? Do you have time Tuesday, November 13, either between 9 and 10 am central or after 3 pm central? Thanks,

Jill

**Jillian Rountree**

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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---

**From:** Heyde, John M. <[jheyde@sidley.com](mailto:jheyde@sidley.com)>  
**Sent:** Friday, October 12, 2018 3:41 PM

ED\_002192D\_00223855-00002

**To:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>

**Cc:** Taylor, Byron F. <[bftaylor@sidley.com](mailto:bftaylor@sidley.com)>

**Subject:** RE: Sterigenics CBI claims

Jillian,

We have consulted with Sterigenics about the two documents to which you directed our attention: (1) the second-to-last slide attached to a presentation that Kathy Hoffman emailed to Alexis Cain et al. on July 18, 2018; and (2) the Excel document attached to an email Kathy Hoffman sent to Ed Nam et al. on June 28, 2018.

Sterigenics is willing to narrow its CBI claim so that it covers only the chemical usage information in the middle of the slide and Excel document, in the section titled "Actual Usage (2017)." That section does not contain emission data; instead, it contains usage of various sterilization agents during 2017. Sterigenics does not object to EPA's release of the information above and below this section, including the sections labeled "Potential to Emit Emissions" and "Actual Emissions."

I have attached a pdf of the relevant page with a redaction to reflect the narrowed CBI claim, to indicate exactly which information is subject to Sterigenics' narrowed CBI claim. Please let me know if you would like us to provide native files (PowerPoint and Excel documents) that are limited to the non-CBI data.

Please let me know if you have any questions or need additional information in order to continue to treat the narrowed claim as CBI.

-- John

**JOHN M. HEYDE**  
Counsel

**SIDLEY AUSTIN LLP**  
+1 312 853 7716  
[jheyde@sidley.com](mailto:jheyde@sidley.com)

---

**From:** Rountree, Jillian <[Rountree.Jillian@epa.gov](mailto:Rountree.Jillian@epa.gov)>

**Sent:** Tuesday, October 9, 2018 5:21 PM

**To:** Heyde, John M. <[jheyde@sidley.com](mailto:jheyde@sidley.com)>

**Cc:** Taylor, Byron F. <[bftaylor@sidley.com](mailto:bftaylor@sidley.com)>

**Subject:** RE: Sterigenics CBI claims

Thank you, John. If you or Byron have questions, please feel free to reach out to me. Thanks,

*Jillian Rountree*

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
312-353-3849

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**From:** Heyde, John M. [mailto:jheyde@sidley.com]  
**Sent:** Tuesday, October 9, 2018 5:16 PM  
**To:** Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Cc:** Taylor, Byron F. <bftaylor@sidley.com>  
**Subject:** RE: Sterigenics CBI claims

Jillian,

Byron asked me to send you an initial reply to your email of this afternoon regarding CBI status of the two documents you mention in your email. We will review those documents promptly, along with the statutory and regulatory citations you included, and get back to you with Sterigenics' position on the CBI status of the documents. I see that you have requested a response by Friday, October 12. If we can get you a response before then, we will do so. Please feel free to let Byron and me know if you would like to discuss anything in the meantime.

-- John

**JOHN M. HEYDE**  
Counsel

**SIDLEY AUSTIN LLP**  
+1 312 853 7716  
jheyde@sidley.com

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**From:** Rountree, Jillian <Rountree.Jillian@epa.gov>  
**Sent:** Tuesday, October 09, 2018 3:22 PM  
**To:** Taylor, Byron F. <bftaylor@sidley.com>  
**Cc:** Sieffert, Margaret <Sieffert.Margaret@epa.gov>; Rimer, Kelly <Rimer.Kelly@epa.gov>  
**Subject:** Sterigenics CBI claims

Dear Mr. Taylor,

Please let me introduce myself. I am an attorney representing EPA Region 5, Air and Radiation Division (ARD). Moving forward, if you would like to have attorney communication with Region 5, please contact me by any of the methods in my signature below. I look forward to working with you.

Presently, Region 5 ARD is in receipt of Freedom of Information Act (FOIA) requests for which certain correspondence between EPA and Sterigenics is or may be responsive. Sterigenics has claimed two documents it sent to EPA as confidential business information (CBI): the second-to-last (28th) slide of a presentation and the excel file that populated that slide. Specifically, Sterigenics sent a presentation marked confidential (email dated July 18, 2018, from Kathy Hoffman to Cain, Alexis; Nam, Ed; Siegel, Kathryn; Sieffert, Margaret; Nguyen, Phuong; King, Steven; Mattison, Kevin; Ogulei, David) and later sent a "public version" which contained all but the second-to-last (28th) slide of the original presentation. And Sterigenics (via email dated June 28, 2018 from Kathy Hoffman to Ed Nam, with cc's to Cain, Alexis; Siegel, Kathryn; Armitage, Julie



Armitage; Rountree, Jillian; Wagner, Kevin <KWagner@sterigenics.com>) sent an excel file that Kathy Hoffman later stated was subject to a CBI claim (email dated September 13, 2018, to Ed Nam with cc's to Rountree, Jillian; Siegel, Kathryn; Armitage, Julie).

Under FOIA, information subject to a valid CBI claim will not be released. However, EPA must first determine whether the documents are appropriate for treatment as CBI.

One consideration is whether the information is "emission data." Section 114(c) of the Clean Air Act (CAA), 42 U.S.C. § 7414(c), expressly provides that "emission data" is not eligible for such confidential treatment. Similarly, EPA regulations at 40 C.F.R. §§ 2.301(e) and (f) provide that CAA information which is "emission data" or a "standard or limitation" is not eligible for confidential treatment. "Emission data" is defined at 40 C.F.R. § 2.301(a)(2)(i) as information necessary to determine the identity, amount, frequency, concentration or other characteristic of any emission emitted by a source or which a source was authorized to emit. This includes any data related to: emission type, emission rate, concentration, density of the emission stream, and facility identification. See 56 Fed. Reg. 7042 (February, 21, 1991). Further, section 2.301 applies to information "if its submission could have been required under section 114," 40 C.F.R. § 2.301(b)(2).

As you know, Sterigenics is subject to the Ethylene Oxide Sterilizer NESHAP at 40 C.F.R. Part 63, Subpart O, which includes emission limitations based on use of ethylene oxide. Sterigenics' documents contain tables showing its current emission estimates and its projected, post-construction emissions estimates, including ethylene oxide use and predicted destruction efficiency of the controls at the facility. Review of the documents suggests they contain emission data as defined under the CAA regulations, and therefore EPA may not be permitted to treat the information as confidential.

Because EPA has pending FOIA requests potentially seeking this information, EPA must make a decision now regarding this information. EPA may do so by determining that the information is "clearly not entitled to" confidential treatment, under 40 C.F.R. § 2.204(d)(2), which is a final agency action, or EPA may seek comment or substantiation from Sterigenics to provide sufficient justification for the CBI claims, under 40 C.F.R. § 2.204(d)-(f), after which EPA will make a determination on the validity and permissibility of the CBI claims under 40 C.F.R. § 2.205. Further, Sterigenics may withdraw its claims or consent to disclosure of these documents, and thereby EPA may disclose the information without further procedure under 40 C.F.R. § 2.209(f).

I am reaching out to you to discuss these processes and to determine whether Sterigenics may wish to withdraw or narrow its CBI claims so that the claims do not extend to emission data. If you wish to withdraw or narrow your claims, please do so in written or email correspondence with specific identification of the information no longer claimed CBI. If you wish to discuss this process further, please feel free to reach me by email or telephone, as listed in my signature. Because some of the FOIA requests are pending, **please respond as soon as possible but no later than 10/12/2018**. Thank you for your time and consideration.

***Jillian Rountree***

Air and Radiation Division Detail Attorney

U.S. EPA Region 5

77 W. Jackson Blvd. (C-14J), Cube 18010

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Message

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**From:** Rountree, Jillian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D304E5E55A54908B24B17E57ECDBF3C-JROUNTRE]  
**Sent:** 5/3/2019 3:35:21 PM  
**To:** 'Wallace, Elizabeth' [EWallace@atg.state.il.us]; 'Wells, Christopher' [CWells@atg.state.il.us]  
**Subject:** Check in on Sterigenics

Hi Beth and Chris,

It's been a while, though I don't think any of us is any less busy! I wondered whether either of you might have time to a brief chat sometime today. I want to check in on status regarding both litigation matters with Sterigenics. Thanks in advance,

Jill

***Jillian Rountree***

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
77 W. Jackson Blvd. (C-14J)  
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312-353-3849  
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Message

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**From:** Pamenter, Kathryn [KPamenter@atg.state.il.us]  
**Sent:** 5/3/2019 5:34:30 PM  
**To:** Rountree, Jillian [Rountree.Jillian@epa.gov]  
**CC:** Wallace, Elizabeth [EWallace@atg.state.il.us]; Wells, Christopher [CWells@atg.state.il.us]  
**Subject:** Sterigenics - Check-in  
**Attachments:** People v. Sterigenics - Answer to Complaint.pdf

Jillian

It was a pleasure to speak with you. As we discussed, Sterigenics filed its Answer in the State Court action yesterday, a copy of which is attached. The next hearing in the State Court matter is scheduled on Thursday, May 9<sup>th</sup>. In the Federal Litigation, the motion to dismiss and motion for settlement conference remain pending. As you noted, settlement negotiations are ongoing.

**Attorney Client, Attorney Work Product, Deliberative Process / Ex. 5**

If you have any additional questions in the interim, please contact us (Beth will be back next Thursday).

Thank you.  
Katie

Kathryn A. Pamenter  
Senior Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18th Floor  
Chicago, IL 60602  
Phone: 312-814-0608  
Fax: 312-814-2347  
Email: [KPamenter@atg.state.il.us](mailto:KPamenter@atg.state.il.us)

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**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS  
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,	)	
ex rel. KWAME RAOUL, Attorney General	)	
of the State of Illinois, and	)	
ex rel. ROBERT BERLIN, State's Attorney for	)	
DuPage County, Illinois,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2018CH001329
	)	Hon. Paul M. Fullerton
STERIGENICS U.S., LLC,	)	
a Delaware limited liability company,	)	
	)	
Defendant.	)	

**ANSWER TO COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES  
AND DEFENSES TO THE COMPLAINT**

Defendant Sterigenics U.S., LLC, a Delaware limited liability company ("Sterigenics" or "Defendant"), hereby answers the Complaint for Injunctive Relief and Civil Penalties filed by Plaintiff People of the State of Illinois, *ex rel.* Kwame Raoul, Attorney General of the State of Illinois, and *ex rel.* Robert Berlin, State's Attorney of DuPage County, Illinois, as follows:

**COUNT I  
CAUSING, THREATENING OR ALLOWING AIR POLLUTION**

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion, and *ex rel.* Robert Berlin, State's Attorney of DuPage County, on his own motion, against the Defendant, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2016).

**Answer:** Sterigenics does not have knowledge of the allegations of this paragraph sufficient to form a belief as to the truth thereof.

2. This Count is brought at the request of the Illinois Environmental Protection Agency ("Illinois EPA").

**Answer:** Sterigenics does not have knowledge of the allegations of this paragraph sufficient to form a belief as to the truth thereof.

3. The Illinois EPA is an administrative agency of the State of Illinois, established by Section 4 of the Act, 415 ILCS 5/4 (2016), and is charged, *inter alia*, with the duty of enforcing the Act.

**Answer:** Admitted.

4. Since at least January 30, 2006, the Defendant has been and is a Delaware limited liability company duly authorized to transact business in the State of Illinois.

**Answer:** Admitted.

5. Since at least January 30, 2006 to present, on dates better known to the Defendant, the Defendant has operated an ethylene oxide gas ("EtO") commercial sterilization enterprise.

**Answer:** Sterigenics admits that it has provided contract sterilization services using ethylene oxide since at least January 30, 2006. Sterigenics denies the remaining allegations of this paragraph.

6. Sterigenics is comprised of two separate buildings located at 7775 South Quincy Street, Willowbrook, DuPage County, Illinois ("Building 1") and 830 Midway Street, Willowbrook, DuPage County, Illinois ("Building 2") (together, "Source").

**Answer:** Sterigenics admits that until February 15, 2019, it provided contract sterilization services in two separate buildings located at 7775 South Quincy Street, Willowbrook, DuPage County, Illinois, and 830 Midway Drive, Willowbrook, DuPage County, Illinois, which are its only contract sterilization facilities in Illinois. Sterigenics denies that those are its only ethylene oxide contract sterilization facilities. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics denies the remaining allegations of this paragraph.

7. In 1984, Griffith Micro Science, Inc. (“Griffith”) began operating an EtO sterilization business at Building 1 of the Source.

**Answer:** Sterigenics admits that Griffith Laboratories U.S.A., Inc., began operating a contract sterilization facility at 7775 South Quincy Street, Willowbrook, Illinois, in or about 1984. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

8. In 1999, Ion Beam Applications acquired both Griffith and SteriGenics International, Inc. SteriGenics International, Inc., is the parent company of the Defendant. Between 1999 and 2006, SteriGenics International, Inc. was bought and sold multiple times.

**Answer:** Defendant admits that, in 1999, Ion Beam Applications acquired both Griffith Micro Science, Inc., and a company then known as SteriGenics International, Inc. Defendant admits that a successor to Griffith merged into Defendant in 2005 after SteriGenics International, Inc. had changed its name to Sterigenics U.S., LLC. Defendant denies that the company known in 1999 as SteriGenics International, Inc. is the parent company of Defendant, as the company formerly known as SteriGenics International, Inc. is the Defendant. Sterigenics admits that, between 1999 and 2006, two changes of control occurred with respect to Defendant, including the acquisition by Ion Beam Applications. Sterigenics denies the remaining allegations of this paragraph.

9. On January 30, 2006, the Illinois EPA issued to the Defendant modified Clean Air Act Permit Program (“CAAPP”) Permit No. 95120085 naming the Defendant as operator of the Source. Since 2006, the Defendant is the permitted operator of the Source.

**Answer:** Sterigenics admits that on January 30, 2006, the Illinois EPA issued to Sterigenics revised Clean Air Act Permit Program (“CAAPP”) Permit No. 95120085 naming Sterigenics as operator of the contract sterilization facility located at 7775 South Quincy Street

and 830 Midway Drive, Willowbrook, Illinois, and that Sterigenics has operated the facility since 2006. Sterigenics denies that this permit was a “modified” permit. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

10. Since 1984, at Building 1, and 1999, at Building 2, an EtO sterilization enterprise has been operating in Willowbrook.

**Answer:** Sterigenics admits that contract sterilization services using ethylene oxide have been provided since 1984 at Building 1 and since 1999 at Building 2, until February 15, 2019. Sterigenics denies the remaining allegations of this paragraph.

11. From January 30, 2006 to present, on dates better known to the Defendant, the Defendant has operated at least fourteen commercial sterilizers at Building 1, and four commercial sterilizers at Building 2. Individual sterilizers are also known as “chambers”.

**Answer:** Sterigenics admits that from January 30, 2006, to February 15, 2019, Sterigenics has operated at least fourteen contract sterilization chambers at Building 1 and four contract sterilization chambers at Building 2. Further answering, Sterigenics states that on February 15, 2019, the Illinois EPA issued an unlawful Seal Order that has prevented Sterigenics from providing contract sterilization services at Building 1 and Building 2 from February 15, 2019, through the date hereof. Sterigenics denies the remaining allegations of this paragraph.

12. Each commercial sterilizer is comprised of a steam-heated sterilization chamber, a recirculating vacuum pump chamber evacuation system, a backvent valve, and a fugitive emissions exhaust hood.

**Answer:** Sterigenics admits that each sterilization chamber is a gas-tight, steel container that is capable of holding a vacuum, that steam or hot water is circulated around the chamber to control temperature, and that each chamber can exhaust gases through a vacuum pump and a backvent valve. Sterigenics denies the remaining allegations of this paragraph.



13. During the sterilization process, the Defendant places medical equipment and other products (together, “products”) into individual chambers and EtO is introduced. During this process, the chambers are sealed. After a certain residence time, the Defendant evacuates EtO from the chambers. After the gas is pumped out of the chambers, air is introduced into the chambers. When air is introduced into the chambers, the chamber doors are opened and residual amounts of EtO are vented through the “backvent valves.”

**Answer:** Sterigenics admits that it places medical devices and other products into individual chambers, which are sealed, and into which ethylene oxide is introduced. Sterigenics admits that, after a certain residence time, the ethylene oxide is evacuated from the chambers and directed from there to pollution control devices. Sterigenics admits that, after the ethylene oxide evacuation and subsequent gas washes, the chambers are opened to retrieve the sterilized products. Sterigenics admits that, when the chambers are opened to retrieve the sterilized products, some amount of residual ethylene oxide is vented through backvent valves and directed from there to pollution control devices. Sterigenics denies the remaining allegations of this paragraph.

14. Upon completion of the sterilization cycle, EtO and other gases evacuated from the chambers in Building 1 are pumped to a Chemrox DEOXX packed tower chemical scrubber (“Acid Water Scrubber #1”), while the EtO from the chambers in Building 2 are routed to a two-stage Advanced Air Technologies Safe Cell emission-control system (“Willowbrook II Scrubber”) and dry bed reactor.

**Answer:** Sterigenics admits that ethylene oxide and other gases evacuated by vacuum pump from chambers in Building 1 are controlled by a Chemtrox DEOXX packed tower chemical scrubber. Sterigenics admits that ethylene oxide and other gases evacuated by vacuum pump or back vent from chambers in Building 2 are controlled by a two-stage Advanced Air Technologies Safe Cell emission control system with dry bed reactor. Sterigenics further states that ethylene oxide and other gases evacuated by back vent from chambers in Building 1 are pumped to a two-stage Advanced Air Technologies Safe Cell emission control system with dry bed reactor in Building 1. Sterigenics denies the remaining allegations of this paragraph.

15. After products are removed from the commercial sterilizers, they are placed in one of the Source's aeration rooms where EtO continues to volatilize, or off gas, from the sterilized products. There are three aeration rooms at Building 1 and two aeration rooms at Building 2. Emissions from the aeration rooms at Building 1 are captured and treated by a two-stage Advanced Air Technologies Safe Cell emission-control system ("Acid Water Scrubber #2") and dry bed reactor, and the emissions from the aeration rooms at Building 2 are captured and treated by the Willowbrook II Scrubber and dry bed reactor. The three scrubber systems and two dry bed reactors at the Source are collectively referred to as "the Scrubbers." The Scrubbers are the sole method used by the Defendant to control EtO emissions from the Source.

**Answer:** Sterigenics admits that, after products are removed from the sterilization chambers, they are placed in one of the three aeration rooms in Building 1 or two aeration rooms in Building 2. Sterigenics admits that some volatilization of ethylene oxide occurs in the aeration rooms. Sterigenics admits that ethylene oxide emitted in the aeration rooms is captured and treated by the two-stage Advanced Air Technologies Safe Cell emission control system with dry bed reactor in the relevant building. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics denies the remaining allegations of this paragraph.

16. As part of its operations at the Source, the Defendant discharges and emits EtO to the atmosphere.

**Answer:** Sterigenics admits that up until February 15, 2019, when the Illinois EPA issued its unlawful Seal Order, Sterigenics emitted amounts of ethylene oxide from Building 1 and Building 2 at levels far below what was expressly permitted by law, the Illinois EPA, and the operating permits issued by the Illinois EPA for Sterigenics' contract sterilization operations at those locations. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics denies the remaining allegations of this paragraph.

17. In 1990, EtO was listed as a "hazardous air pollutant" under Section 112 of the Clean Air Act, 42 U.S.C. § 7412(b)(1) (2016).

**Answer:** Sterigenics admits this statement accurately quotes a small portion of Section 112 of the Clean Air Act, 42 U.S.C. § 7412(b)(1) (2016), but denies any inference of wrongdoing or liability implied thereby.

18. On June 8, 2015, the Illinois EPA issued renewal CAAPP Permit No. 95120085 to the Defendant (“Operating Permit”). The Operating Permit includes the Clean Air Act National Emission Standard for Hazardous Air Pollutants (“NESHAP”) for EtO emissions from sterilization facilities. 40 C.F.R. Part 63, Subpart O. The NESHAP requires facilities to control EtO emissions from the vacuum pump chamber evacuation systems and aeration rooms by at least 99.0%. The NESHAP does not require that facilities control EtO emissions from the backvent valves. Therefore, the Operating Permit does not require the Defendant to control EtO emissions from the backvent valves at the Source.

**Answer:** Sterigenics admits that the NESHAP requires sterilization facilities to control ethylene oxide emissions from aeration rooms by at least 99.0% or 1 ppmv. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics admits the remaining allegations of this paragraph.

19. The Operating Permit allows the Defendant to utilize up to 542.1 tons (1,084,200 pounds) of EtO per year in its operations at the Source.

**Answer:** Sterigenics admits that the Operating Permit contains, among many other provisions, a provision that limits use of ethylene oxide to 542.1 tons per year. Sterigenics further states that other provisions of the Operating Permit may also directly or indirectly control or limit its use of ethylene oxide. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

20. Section 3.5.c of the Operating Permit provides as follows:

**Annual Emissions Reporting**

Pursuant to 35 IAC Part 254, the Source shall submit an Annual Emission Report to the [Illinois EPA], due by May 1 of the year following the calendar year in which the emissions

took place. All records and calculations upon which the verified and reported data are based must be retained by the source.

**Answer:** Admitted.

21. Between 1984 and 1992, the Source emitted EtO.<sup>1</sup> Beginning in 1993 and continuing through 2005, the owner and or operator of the Source reported in its Annual Emission Reports releasing the following amounts of EtO to the atmosphere:

<b>Year</b>	<b>EtO Released (lbs.)</b>
1993	10,780
1994	9,600
1995	21,320
1996	21,720
1997	30,800
1998	35,400
1999	15,940
2000	10,380
2001	6,146
2002	5,750
2003	5,200
2004	6,200
2005	5,800

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<sup>1</sup> Illinois EPA's Part 254 Rules (Annual Emissions Report) were first adopted on May 14, 1993. Hence, calendar year 1993 is the first Annual Emissions Report available for the Source.

**Answer:** Sterigenics admits that Illinois EPA's Part 254 Rules (Annual Emissions Report) were first adopted on May 14, 1993, and that Annual Emissions Reports have been filed for the contract sterilization facilities located in Willowbrook, Illinois, beginning in 1993 and continuing through 2005, and that said Reports estimated ethylene oxide emissions at the amounts shown in the chart in this paragraph. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics denies the remaining allegations of this paragraph.

22. According to the Defendant's Annual Emission Reports as filed by the Defendant with the Illinois EPA, the Defendant reported releasing the following amounts of EtO to the atmosphere during the years 2006 to 2017:

<b>Year</b>	<b>EtO Released (lbs.)</b>
2006	4,760
2007	7,340
2008	7,080
2009	5,600
2010	6,440
2011	6,980
2012	6,980
2013	5,960
2014	5,080
2015	4,600
2016	4,200
2017	4,600

**Answer:** Sterigenics admits that Annual Emissions Reports have been filed for the contract sterilization facilities located in Willowbrook, Illinois, for the years 2006 through 2017, and that said Reports showed estimated ethylene oxide emissions at the amounts shown in the chart in this paragraph. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

23. On June 26, 2018, Illinois EPA issued the Defendant permit no. 18060020 to duct the emissions of EtO from the backvent valves of the sterilization chambers to the existing Scrubbers (“Construction Permit”). Illinois EPA received this construction permit application on June 11, 2018.

**Answer:** Admitted.

24. On information and belief, on or about July 27, 2018, the Defendant completed the modifications to its air pollution control equipment by ducting the emissions from the backvent valves at Building 1 to Acid Water Scrubber #2 and the dry bed reactor and the emissions from the backvent valves at Building 2 to Willowbrook II Scrubber and the dry bed reactor.

**Answer:** Sterigenics admits that on or about July 27, 2018, Sterigenics completed the ducting of emissions from the back vent valves at Building 1 to Acid Water Scrubber #2 and the dry bed reactor and the emissions from the backvent valves at Building 2 to Willowbrook II Scrubber and the dry bed reactor. Sterigenics denies the remaining allegations of this paragraph.

25. Prior to modifying its air pollution control equipment to control the emission of EtO from the backvent valves of the sterilization chambers, the Defendant allowed the uncontrolled emission of EtO from the backvent valves. As a result, since at least 2006, on a date better known to the Defendant, until on or about July 27, 2018, the Defendant had allowed the emission to the environment of 100% of the EtO that was released through the backvent valves.

**Answer:** Sterigenics admits that, pursuant to the Operating Permit issued by the Illinois EPA and applicable state and federal regulations, including the NESHAP for ethylene oxide sterilization facilities, the contract sterilization facilities operated by Sterigenics and its

predecessors in Willowbrook, Illinois, were not and still, as of the date hereof, are not required to vent ethylene oxide emissions from backvent valves through emissions control devices.

Sterigenics also admits that, in July 2018, it voluntarily connected the backvent valves to the AAT emissions control devices at the facilities in Willowbrook, Illinois. Sterigenics further states that, in 2001 the U.S. EPA, for safety reasons, modified the NESHAP to remove a requirement to vent backvent emissions through emissions control devices. In 2006, the U.S. EPA reviewed the NESHAP and decided to continue to not require backvent emissions controls. Sterigenics denies the remaining allegations of this paragraph.

26. The Operating Permit requires that the Defendant meet a control efficiency of 99.0% of emissions from the vacuum pump chamber evacuation system and aeration rooms. Once the backvent valves were ducted to the Scrubbers, those emissions also became and are subject to the 99.0% control efficiency.

**Answer:** Sterigenics admits that the Operating Permit requires that it meet a control efficiency of 99.0% of emissions from the vacuum pump chamber evacuation system.

Sterigenics further states that the Operating Permit requires that it meet either a control efficiency of 99.0%, or an outlet concentration of 1.0 parts per million by volume, on emissions from the aeration rooms. Sterigenics further states that it meets all applicable emissions requirements. Sterigenics denies the remaining allegations of this paragraph.

27. The Operating Permit allows the Defendant to emit approximately 18.2 tons (36,400 pounds) of EtO per year.

**Answer:** Sterigenics admits that the Operating Permit contains, among many other provisions, provisions that limit emissions of volatile organic matter, a category that includes ethylene oxide, to approximately 18.2 tons per year. Sterigenics further states that other provisions of the Operating Permit also directly or indirectly control or limit its emissions of ethylene oxide. Sterigenics denies the remaining allegations of this paragraph.

28. EtO is highly reactive, readily absorbed, and easily distributed in the human body. EtO is mutagenic and causes chromosome damage in many species, including humans.

**Answer:** Sterigenics does not have knowledge sufficient to form a belief as to the truth of this paragraph, which purports to express scientific opinions regarding multiple complex scientific fields, including human and animal toxicology, mutagenicity, and biology, and which are subject to dispute by experts in the relevant fields. Sterigenics further states that the allegations of this paragraph are in the nature of scientific and medical opinion, rather than factual matter capable of admission or denial. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom. Sterigenics denies the remaining allegations of this paragraph.

29. From 1985 to 2016, the United States Environmental Protection Agency. (“U.S. EPA”) categorized EtO as “probably carcinogenic to humans”.

**Answer:** Sterigenics states that prior to the U.S. EPA’s “Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide” published by the U.S. EPA in 2016 under the auspices of its Integrated Risk Information System (“IRIS”), EPA classified ethylene oxide as “probably carcinogenic to humans”, but Sterigenics does not have knowledge sufficient to form a belief as to the truth of the scientific or medical accuracy of such classification, which is in the nature of a regulatory opinion, rather than factual matter capable of admission or denial, and further, which are subject to dispute by experts in the relevant fields of scientific knowledge. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom. Sterigenics denies the remaining allegations of this paragraph.

30. In December 2016, U.S. EPA’s Integrated Risk Information System (“IRIS”) program released an “Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide” (“2016 IRIS Evaluation”). In the 2016 IRIS Evaluation, U.S. EPA changed EtO’s weight of evidence descriptor from “probably carcinogenic to humans” to “carcinogenic to humans” while increasing



EtO's lifetime inhalation cancer unit risk estimate about 50-fold. The 2016 IRIS Evaluation is incorporated by reference herein.<sup>2</sup>

**Answer:** Sterigenics states that the U.S. EPA's "Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide" published by the U.S. EPA in 2016 under the auspices of its Integrated Risk Information System ("IRIS"), classified ethylene oxide as "carcinogenic to humans", but Sterigenics lacks sufficient knowledge to form a belief as to the truth of the scientific or medical accuracy of such classification, which is in the nature of a regulatory opinion, rather than factual matter capable of admission or denial, and further, which is subject to dispute by experts in the relevant fields of scientific knowledge. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom. Sterigenics denies the remaining allegations of this paragraph.

31. In the 2016 IRIS Evaluation, U.S. EPA noted that an increased incidence and mortality of breast and lymphohematopoietic system cancers have been observed in workers in EtO sterilizing facilities.

**Answer:** Sterigenics states that in the 2016 IRIS Evaluation, which is voluminous, U.S. EPA discusses breast and lymphohematopoietic system cancers. Sterigenics further states that it lacks sufficient knowledge to form a belief as to the truth of the accuracy of the 2016 IRIS Evaluation's findings and conclusions with respect to human cancers, which is in the nature of a regulatory opinion, rather than factual matter capable of admission or denial, and further, which are subject to dispute by experts in the relevant fields of scientific and medical knowledge. Sterigenics denies the allegations of this paragraph to the extent they misstate or misrepresent the

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<sup>2</sup> Available at [http://ofmpub.epa.gov/eims/eimscomm.getfile?p\\_download\\_id=529970](http://ofmpub.epa.gov/eims/eimscomm.getfile?p_download_id=529970).

2016 IRIS evaluation, as well as denies any inference of wrongdoing or liability that may be claimed to arise therefrom. Sterigenics denies the remaining allegations of this paragraph.

32. In the 2016 IRIS Evaluation, U.S. EPA determined that there is sufficient evidence to establish a causal relationship between EtO exposure and breast cancer in women.

**Answer:** Sterigenics states that in the 2016 IRIS Evaluation, which is voluminous, U.S. EPA reviewed certain scientific and epidemiological information purportedly pertaining to ethylene oxide and breast cancer in women. Sterigenics does not have knowledge sufficient to form a belief as to the truth of the accuracy of the 2016 IRIS Evaluation's findings and conclusions, which are in the nature of scientific and regulatory opinions and are subject to dispute by experts in the relevant fields of scientific knowledge. Sterigenics denies any inference of wrongdoing or liability that may be claimed to be implied or based on the 2016 IRIS evaluation. Sterigenics denies the remaining allegations of this paragraph.

33. As a mutagenic carcinogen, EtO causes cancer by damaging DNA in cells which is then duplicated when the cells divide. Repeated exposure over time to EtO increases the cancer risk compared to a one-time exposure. This increase occurs because DNA damage may take place with each and every exposure that is passed on to more cells, increasing the number of mutated cells, which eventually leads to cancer in some people.

**Answer:** Sterigenics does not have knowledge of the allegations of this paragraph sufficient to form a belief as to the truth thereof, which purport to express scientific opinions regarding multiple complex scientific fields, including human and animal toxicology, mutagenicity, and biology, and which are subject to dispute by experts in the relevant scientific and medical fields. Sterigenics further states that the allegations in this paragraph are in the nature of expert scientific and medical opinion, rather than factual material capable of admission or denial, and it denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

34. The Source is in a densely populated residential, industrial and commercial area, with 19,271 people living within 1 mile of the Source boundary. The Source is located in an industrial park that is surrounded by, and in close proximity to, residential neighborhoods, schools, daycare facilities, businesses, and parks, including but not limited to, the following:

- i. Homes (less than 0.25 miles)
- ii. Schools: Gower Middle (0.42 miles), St. Mark Christian Montessori (0.70 miles), Hinsdale South High School (0.76 miles), Gower West (0.79 miles), Kingswood Academy (0.87 miles), KinderCare (1.0 mile), Our Lady of Peace School (1.22 miles), Concord Elementary (1.62 miles), Ready Set Grow (1.76 miles), Burr Ridge Middle School (1.86 miles)
- iii. Parks and Government Buildings: Willowbrook Police Department and Mayor's Office (0.07 miles), Willowbrook Community Park (0.45 miles), Indian Prairie Library (0.97 miles), Harvester Park (1.0 mile), Whittaker Park (1.03 miles), Burr Ridge Police Department (1.19 miles)
- iv. Businesses: Dance Duo Studio (0.1 miles), Dell Rhea's Chicken Basket (0.16 miles), Denny's (0.18 miles), Target (0.19 miles), La Quinta Inn (0.29 miles), Red Roof PLUS+ (0.3 miles), Diamond Edge Training (0.3 miles), BIG Gymnastics (0.68 miles), Darien Sportsplex (1.0 mile)

**Answer:** Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics admits that the July 26, 2018 ATSDR letter states that there are 19,271 people living within one-mile of its contract sterilization facility located in Willowbrook, Illinois. Sterigenics does not have knowledge sufficient to form a belief as to what constitutes "densely populated" or "close proximity." Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

35. According to U.S. EPA's website,<sup>3</sup> for a single year of exposure to EtO, the cancer risk is greater for children than for adults. This elevated risk to children exists because EtO can damage DNA, and children have more years ahead of them to develop the other cancer risk factors that result in the formation of malignant cells. Additionally, compared to adults, children receive

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<sup>3</sup> Available at <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-ethylene-oxide> (accessed on October 18, 2018).

larger doses per body weight because they have greater lung surface area and increased lung volume per body weight, and breathe in more air per body weight.

**Answer:** Sterigenics states that the U.S. EPA's website contains statements regarding relative risks of cancer for children and adults. Sterigenics lacks knowledge sufficient to form a belief as to the truth of those statements, which express scientific and medical opinions that are subject to dispute by experts in the relevant scientific fields. Sterigenics further answers that it does not have knowledge sufficient to form a belief as to the remaining allegations of this paragraph, which purport to express additional scientific and medical opinions in complex scientific areas, rather than factual material capable of admission or denial, and which are subject to dispute by experts in the relevant fields. Sterigenics denies any inference of wrongdoing or liability that that may be claimed to arise from the allegations of this paragraph.

36. According to 2010 U.S. Census Data, 3,494 children 5 years and younger lived within 3 miles of the Source in 2010, including 250 that lived within 1 mile.

**Answer:** Sterigenics does not have knowledge of the allegations of this paragraph sufficient to form a belief as to the truth thereof.

37. According to the 2014 National Air Toxics Assessment ("NATA") released by U.S. EPA in August 2018, seven census tracts near the Source are among 109 nationwide that have cancer risk scores greater than 100 in 1 million, or 1 in 10 thousand, meaning that in those census tracts hazardous air pollution may cause more than one additional incidence of cancer per 10 thousand people. There are a total of 73,057 census tracts in the United States.

**Answer:** Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics admits that the 2014 NATA Assessment released by U.S. EPA in August 2018 depicts seven census tracts within a three-mile radius of the Facility and purports to assign cancer risk scores to those census tracts. Sterigenics lacks knowledge sufficient to form a belief as to the truth of those assertions, which are in the nature of scientific opinion rather than factual material capable of admission or denial

and which are subject to dispute by experts in the relevant fields, but denies any inference of wrongdoing or liability that may be claimed to arise therefrom. Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

38. Between May 16, 2018 and May 17, 2018, the U.S. EPA collected 39 ambient air samples at 26 discrete locations near the Source (“May 2018 sampling event”). All of these samples were collected in proximity to the various public places listed in paragraph 34.

**Answer:** Sterigenics admits that the July 26, 2018 ATSDR letter states that between May 16, 2018, and May 18, 2018, the U.S. EPA collected 39 ambient air samples at 26 discrete locations near its contract sterilization facility in Willowbrook, Illinois. Sterigenics does not have knowledge sufficient to form a belief as to what constitutes “close proximity.” Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

39. U.S. EPA modeled short and long-term ambient EtO concentrations to evaluate the impact of emissions from the Source using, among other data, the National Emissions Inventory (“NEI”) data from 2014. The NEI data includes the actual pounds of EtO emitted by the Source, as reported by Illinois EPA, which is substantially lower than the amount of EtO that the Defendant is allowed to emit under the Operating Permit. As alleged in paragraph 22, the Defendant reported emitting 5,080 pounds of EtO in 2014, while as alleged in paragraph 27, the Operating Permit allows the emission of 18.2 tons, or 36,400 pounds, of EtO.

**Answer:** Sterigenics admits that U.S. EPA has stated that it modeled ethylene oxide concentrations in ambient air that are estimated to result from emissions from Building 1 and Building 2 using, among other data, the NEI data from 2014. Sterigenics admits U.S. EPA has stated that it obtained the 2014 NEI data from Illinois EPA and that U.S. EPA has stated that the figure is intended to reflect actual emissions, rather than permitted emissions. Sterigenics further admits that the emissions amounts reflected in the 2014 NEI data are based on estimated

emissions reported by Sterigenics and are substantially lower than, and in compliance with, all applicable federal and state air emission regulations and the Operating Permits issued by Illinois EPA for ethylene oxide emissions from Building 1 and Building 2. Sterigenics incorporates its answers to paragraphs 22 and 27 into its answer to paragraph 39. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

40. In June 2018, U.S. EPA provided the analytical data from the May 2018 sampling event and the modeled ambient EtO concentrations to the United States Department of Health & Human Services Agency for Toxic Substances and Disease Registry (“ATSDR”). At the same time, U.S. EPA: “requested that ATSDR review air measurements of EtO and modeling results of EtO emissions from Sterigenics and specifically answer the question: If modeled and measured ethylene oxide concentrations represent long term conditions, would they pose a public health problem for people living and working in Willowbrook?”

**Answer:** Sterigenics admits that the July 26, 2018 ATSDR letter indicates that U.S. EPA provided ATSDR with the May 2018 sampling event monitoring results and modeled ambient EtO concentrations. Sterigenics admits that the July 26, 2018 ATSDR letter states that U.S. EPA Air and Radiation Division “requested that ATSDR review air measurements of EtO and modeling results of EtO emissions from Sterigenics and specifically answer the question: *If modeled and measured ethylene oxide concentrations represent long term conditions, would they pose a public health problem for people living and working in Willowbrook?*” (italics in original). Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

41. On July 26, 2018, the ATSDR provided to U.S. EPA its answer to the above question. The letter provides:

It is ATSDR’s conclusion that the data U.S. EPA provided suggests that residents and workers are exposed to elevated airborne EtO concentrations from facility emissions. It is

difficult to assess long-term public health implications from facility emissions because there has been no historical air monitoring in the community. ATSDR assumed that these data represent long term exposures for area residents and workers. Specifically, ATSDR concludes the following:

- 1) If measured and modeled data represent typical EtO ambient concentrations in ambient air, *an elevated cancer risk exists* for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility. These elevated risks *present a public health hazard to these populations*.
- 2) Measured and modeled ethylene oxide concentrations in ambient air indicate that non-cancer health effects are unlikely for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility.

The July 26, 2018 ATSDR letter is attached hereto and incorporated by reference herein.

**Answer:** Sterigenics admits that this paragraph accurately quotes a portion of the July 26, 2018 ATSDR's letter. Sterigenics denies that ATSDR's conclusions are accurate or valid. Further answering, Sterigenics states that ATSDR admitted that the results were biased and U.S. EPA admitted that the data on which ATSDR's work relied was flawed. Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

42. The ATSDR used the maximum recorded EtO sample taken near a residence close to the Source to conclude that the lifetime risk for the area surrounding the Source is an additional 64 incidences of cancer per 10,000 people, or 64 times what U.S. EPA considers to be an acceptable risk.

**Answer:** Sterigenics admits that the July 26, 2018 ATSDR letter states that "ATSDR used the maximum recorded EtO sample taken near a residence." Sterigenics denies that such an approach and the conclusions based thereon are valid. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term "Source." Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof.

43. On August 21, 2018, the July 26, 2018 letter from ATSDR to U.S. EPA was released as a “Letter Health Consultation.”

**Answer:** Admitted.

44. ATSDR’s conclusion that an elevated cancer risk exists for residents and off-site workers in the Willowbrook community and that these elevated risks present a “public health hazard” is based on EtO emissions that are substantially lower than 18.2 tons (36,400 pounds). Thus, the Operating Permit allows the “public health hazard” as found by the ATSDR in its report to continue unabated.

**Answer:** Sterigenics denies that there is a “public health hazard” or that an elevated cancer risk exists for residents and off-site workers in the Willowbrook community, and therefore denies the allegations of this paragraph, except that Sterigenics admits that prior to the issuance of the Illinois EPA’s unlawful Seal Order, its operations at Building 1 and Building 2 were in compliance with all applicable federal and state air emission regulations and the Operating Permit issued by the Illinois EPA. Sterigenics states that both U.S. EPA and ATSDR have publicly stated that there is no public health emergency related to ethylene oxide in the Willowbrook community.

45. As of October 23, 2018, 28,925 people had signed a petition entitled “Action Alert: Illinois, Say “No” to toxic air” on the website [www.change.org](http://www.change.org). The petition expresses the public’s overwhelming concerns regarding the impact of Defendant’s EtO emissions on the surrounding community. The concerns include the following:

- i. Detrimental health impacts to their children swimming at a pool located across the street from the Source.
- ii. The general safety of families in the area.
- iii. The mutagenic effects of EtO on children in the area.
- iv. Fear that past and current incidents of cancer in the area were caused by the Source.
- v. A desire to have residents’ children and grandchildren breathing safe air.
- vi. The number of individuals in the community with cancer.



vii. Past exposure to EtO from the Source.

viii. The location of the Source in such a densely populated area.

**Answer:** Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

46. As of October 24, 2018, more than 80 people have contacted the Illinois Attorney General’s Office to express their concerns regarding the Source’s EtO emissions.

**Answer:** Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

47. As of October 24, 2018, the Illinois EPA has been contacted more than 100 times by members of the public to express their concerns regarding the Source’s EtO emissions.

**Answer:** Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

48. For those people who have resided near the Source over a period of years, the public health concerns with EtO are exacerbated due to the increased risk caused by exposure over a lifetime (see paragraphs 21 and 22, which show the Source’s EtO emissions from 1993 to 2017,

including from 1995 to 1999, when the Source emitted, on average, more than 25,000 pounds of EtO annually to the environment).

**Answer:** Sterigenics denies that there is a genuine scientific basis for public health concerns. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

49. Article XI of the Illinois Constitution provides, in pertinent part, as follows:

#### SECTION 1. PUBLIC POLICY - LEGISLATIVE RESPONSIBILITY

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

#### SECTION 2. RIGHTS OF INDIVIDUALS

Each person has the right to a healthful environment. . . .

**Answer:** Sterigenics admits that the quoted language appears in Article XI of the Illinois Constitution. Sterigenics denies that such language is relevant or pertinent.

50. In fulfillment of the Constitutional requirement to protect each person’s right to a healthful environment, the General Assembly adopted the Act. Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), provides as follows:

No person shall:

- a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

**Answer:** Sterigenics admits that the quoted language appears in 415 ILCS 5/9(a) (2016). Sterigenics does not have knowledge of the remaining allegations of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

51. Section 201.141 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides, in relevant part, as follows:

**Prohibition of Air Pollution**

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter . . . .

**Answer:** Sterigenics admits that the quoted language appears in 35 Ill. Adm. Code 201.141. Sterigenics denies that such language is relevant. Sterigenics denies any inference of wrongdoing or liability that may be claimed to arise therefrom.

52. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

**Answer:** Sterigenics admits that the quoted language appears in 415 ILCS 5/3.315.

53. The Defendant, a limited liability company, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.31.5 (2016).

**Answer:** Denied due to typographical error. Sterigenics admits that it is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

54. Section 3.115 of the Act, 415 ILCS 5/3.115 (2016), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

**Answer:** Sterigenics admits that the quoted language appears in 415 ILCS 5/3.115.

55. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

**Answer:** Sterigenics admits that the quoted language appears in 415 ILCS 5/3.165.

56. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, provides the following definitions:

“Air Contaminant”: Any solid, liquid or gaseous matter, any odor or any form of energy that is capable of being released into the atmosphere from an emission source.

**Answer:** Sterigenics admits that the quoted language appears in 35 Ill. Adm. Code 201.102.

57. The EtO released from the Facility is a “contaminant” within the meaning of Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), and an “air contaminant” within the meaning of Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

**Answer:** Sterigenics admits that between January 30, 2006, and February 15, 2019, it emitted certain quantities of ethylene oxide as expressly permitted by Illinois EPA, as expressly contemplated by its Operating Permit, as permitted by state and federal regulations, and in amounts far below what was permitted. Sterigenics denies that it has violated 415 ILCS 5/3.165 (2016), or 35 Ill. Adm. Code 201.102. Sterigenics denies the remaining allegations of this paragraph.

58. Beginning on or before January 30, 2006 and continuing to the present, Defendant has discharged or emitted from the Source into the surrounding area thousands of pounds of EtO,

which, as alleged herein, has caused or threatened injury to persons near the Source and unreasonably interfered with their enjoyment of life or property.

**Answer:** Sterigenics admits that between January 30, 2006, and February 15, 2019, it emitted certain quantities of ethylene oxide as expressly permitted by Illinois EPA, as expressly contemplated by its Operating Permit, as permitted by state and federal regulations, and in amounts far below what was permitted. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

59. The Defendant’s allowable emissions of approximately 18.2 tons (36,400 pounds) per year of EtO, a known human carcinogen, into the atmosphere near residences and places of business (a) threaten to injure the health of people living, attending school, recreating, working, and shopping near the Source, (b) have caused fear in the community due to the threat to public health, and (c) interfere with the enjoyment and use of their homes and work places, and therefore constitutes “air pollution” as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2016).

**Answer:** Sterigenics denies the allegations of this paragraph, except that it admits that its Operating Permit contains a provision expressly allowing the emission of volatile organic matter, a category that includes ethylene oxide, in amounts of up to approximately 18.2 tons per year, and further admits that on and prior to February 15, 2019, emissions from Building 1 and Building 2 were far below that permitted amount. Sterigenics denies the allegations of this paragraph insofar as they are based on the misleading and false use of the term “Source.” Sterigenics denies the remaining allegations of this paragraph.

60. The threat to human health is particularly heightened in children, who have an increased susceptibility from exposure to a known human carcinogen. The unreasonable interference with enjoyment of life and property is particularly heightened for parents of children who live near the Source who are legitimately concerned about the health and welfare of their children as it relates to exposure to EtO, a known human carcinogen.

**Answer:** Denied.

61. By causing, threatening, or allowing the discharge or emission of EtO, a contaminant, into the environment so as to cause air pollution, Defendant violated Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

**Answer:** Denied.

62. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

**Answer:** Denied.

WHEREFORE, defendant Sterigenics U.S., LLC, respectfully requests that Count I be dismissed with prejudice, that judgment be entered in its favor thereon, and that this Court grant to it such other relief as this Court deems appropriate and just.

## **COUNT II**

### **COMMON LAW PUBLIC NUISANCE**

1. This count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, and *ex rel.* ROBERT BERLIN, State's Attorney of DuPage County, Illinois, on his own motion. The Attorney General is the chief legal officer of the State of Illinois having the powers and duties prescribed by the law, ILL. CONST. Article V, Section 15 (1970). The DuPage County State's Attorney is an elected county officer having the powers and duties prescribed by the law, ILL. CONST. Article VI, Section 19 and Article VII, Section 4 (1970). This count is brought pursuant to the power of the Attorney General and State's Attorney to institute an action on behalf of the People of the State of Illinois to abate a public nuisance and to protect the health, safety and welfare of the People of the State of Illinois.

**Answer:** Sterigenics does not have knowledge of the allegations of the first sentence of this paragraph sufficient to form a belief as to the truth thereof. Sterigenics admits the allegations of the second and third sentences of this paragraph. Sterigenics denies the allegations of the fourth sentence of this paragraph.

2-59. Plaintiff realleges and incorporates by reference herein paragraphs 4 through 61 of Count I as paragraphs 2 through 59 of this Count II.

**Answer:** Sterigenics realleges and incorporates by reference herein its answers paragraphs 4 through 61 of Count I as its answers to paragraphs 2 through 59 of this Count II.

60. The Defendant, by its actions, has caused and continues to cause an unreasonable and substantial prejudice to the public health and welfare and the environment, to wit, 1) beginning on or before January 30, 2006 and continuing to the present, the Defendant has discharged or emitted from the Source into the surrounding area tens of thousands of pounds of EtO; 2) The Defendant's allowable emissions of approximately 18.2 tons (36,400 pounds) per year of EtO, a known carcinogen, into the atmosphere near residences and places of business (a) threaten to injure the health of people living and working near the Source, (b) have caused fear in the community due to the threat to public health, and (c) interfere with the enjoyment and use of their homes and work places.

**Answer:** Sterigenics denies that it has caused or continues to cause an unreasonable and substantial prejudice to the public health and welfare and the environment. Sterigenics admits that between January 30, 2006, and February 15, 2019, it emitted ethylene oxide as expressly permitted by Illinois EPA, as expressly contemplated by its Operating Permit, as permitted by state and federal regulations, and in amounts far below what was permitted. Sterigenics admits that it was and is allowed, as expressly permitted by Illinois EPA, to emit up to approximately 18.2 tons (36,400 pounds) per year of ethylene oxide. Sterigenics denies the remaining allegations of this paragraph.

61. As a consequence of its actions as alleged herein, the Defendant has created and maintained a public nuisance at common law.

**Answer:** Denied.

62. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violations of the applicable and pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

**Answer:** Denied.

WHEREFORE, defendant Sterigenics U.S., LLC, respectfully requests that Count II be dismissed with prejudice, that judgment be entered in its favor thereon, and that this Court grant to it such other relief as this Court deems appropriate and just.

**FIRST DEFENSE: WAIVER**

1. Plaintiff's claims are barred by the doctrine of waiver.

2. "Waiver is the voluntary and intentional relinquishment of a known right inconsistent with an intent to enforce that right." *R & B Kapital Dev., LLC v. N. Shore Cmty. Bank & Tr. Co.*, 832 N.E.2d 246, 255 (Ill. App. Ct. 2005).

3. The Willowbrook facility has been operating pursuant to Illinois EPA-issued permits since its doors opened in 1984. The Willowbrook facility was, through February 15, 2019, when the unlawful Seal Order was issued, emitting less ethylene oxide than Illinois EPA had expressly authorized it to emit pursuant to operating permits issued by Illinois EPA under the federal CAAPP. As the Illinois EPA has admitted on its own website, the Willowbrook facility currently is in compliance with all state and federal emissions regulations. *Site Fact Sheets: Sterigenics*, Illinois Environmental Protection Agency, *available at* <https://www2.illinois.gov/epa/topics/community-relations/sites/sterigenics/Pages/default.aspx> (last visited May 2, 2019), attached as Exhibit A. The Illinois EPA has taken no action to revoke, alter, modify, or terminate the operating permits it issued to Sterigenics. Instead of



attempting to revoke, alter, modify, or terminate the operating permits Illinois EPA issued to Sterigenics, the Illinois Attorney General filed this lawsuit. However, by expressly authorizing the conduct now complained of, the State of Illinois through the Illinois EPA has knowingly and intentionally relinquished any right to challenge Sterigenics' operations pursuant to that express authorization.

### **SECOND DEFENSE: EQUITABLE ESTOPPEL**

1. Plaintiff's Count I is barred by the doctrine of estoppel.

2. Equitable estoppel may be raised as a defense when, *inter alia*, the plaintiff has made a representation upon which the defendant reasonably relied, in good faith, to the defendant's detriment, and where the plaintiff's denial of the representations would prejudice the defendant. *Hahn v. Cty. of Kane*, 2013 IL App (2d) 120660, ¶ 17, 991 N.E.2d 373, 380.

Sterigenics has in good faith relied on the representations of the State of Illinois, through the Illinois EPA, to its detriment, and would be unjustifiably prejudiced by Plaintiff's denial thereof.

3. Sterigenics relied on the representation implicit in the Illinois EPA's grant of and lack of revocation of its CAAPP permit that if the Willowbrook facility operated within the permit's conditions related to use and emissions of ethylene oxide, Sterigenics would not be pursued by the Illinois Attorney General for violating Section 9(a) of the Act, 415 ILCS 5/9(a), and a similar provision, Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141. As alleged in Paragraph 23 of the Complaint, the Illinois EPA even granted Sterigenics a permit to duct its backvent valves to controls only a few months prior to initiating its action. At the time, the 2016 IRIS Assessment was already available. However, the Illinois EPA never expressed concerns that Sterigenics' emissions did not comply with the Illinois Environmental Protection Act or Board Air Pollution Regulations. Nor did the Illinois EPA

suggest that controlling emissions from the backvents—which was a voluntary decision by Sterigenics—made any difference to Sterigenics’ compliance therewith.

4. By granting the construction permit for the backvents and the prior operating permit, Illinois EPA publicly indicated and affirmed that Sterigenics’ ethylene oxide emissions were lawful. Sterigenics relied on the permit in conducting its operations in what it reasonably expected would be, and what actually was, in compliance with applicable rules and regulations. Yet, the State seeks to penalize Sterigenics for relying on its permit, both by filing this enforcement action and by issuing a “Seal Order,” despite the fact that both U.S. EPA, the author of the 2016 IRIS Evaluation, and ATSDR, the author of the report that triggered public concern, have said that no emergency situation exists. More specifically, U.S. EPA sent letters to several Illinois elected officials, including Senator Durbin and Senator Duckworth, stating that “the air concentrations of ethylene oxide are not high enough to cause immediate harm to health for the people in and around Willowbrook.” September 27, 2018 Letter from Will Wehrum to Dick Durbin, attached as Exhibit B; September 27, 2018 Letter from Will Wehrum to Tammy Duckworth, attached as Exhibit C. Likewise, ATSDR issued a public statement clarifying that the Willowbrook facility’s ethylene oxide emissions “are not an immediate threat to public health and are not considered to be an emergency situation.” Agency for Toxic Substances and Disease Registry (ATSDR) Statement about the Letter Health Consultation, attached as Exhibit D. ATSDR realized its “communications strategy” with respect to its July 28, 2018 letter fell through, leading it to “provide[] a clarifying statement to the Village of Willowbrook . . . stating that this is not an immediate health threat and is not an emergency situation.” E-mail from Mark Johnson, ATSDR Regional Director/Toxicologist, to Moiz Mumtaz, CDC/ATSDR Science Advisor (Sept. 20, 2018), attached as Exhibit E. If, as Plaintiff now claims, the emissions

permitted by the Illinois EPA could somehow be construed as a violation of Section 9(a) of the Act and Section 201.141 of the Board Air Pollution Regulations, then the Illinois EPA through its CAAPP permit program, must be found to have induced Sterigenics to violate what Plaintiff now claims to be the law of Illinois. This unfounded and surprise action has been a detriment to Sterigenics, which has incurred attorneys' fees and reputational harm as a result of the actions of the State of Illinois and, specifically, the Illinois EPA.

5. It is unfair and unlawful that the Illinois EPA would grant Sterigenics a permit to operate, and a permit to duct the backvents to controls, then suddenly, in conjunction with the Illinois Attorney General, bring this action, in which it is argued that, by abiding with the permit Illinois EPA issued, Sterigenics somehow violated the law. This action is thus barred by the doctrine of estoppel.

### **THIRD DEFENSE: ETHYLENE OXIDE EMISSIONS ARE HIGHLY REGULATED**

1. The Illinois EPA's claims pursuant to Section 9(a) of the Act, 415 ILCS 5/9(a) and Section 201.141 of the Board Air Pollution Regulations, 35 III. Adm. Code 201.141 are inappropriate. The State is unable to overcome Sterigenics' *prima facie* defense to public nuisance, *i.e.* that its activity is highly regulated by state and federal law.

2. Count I does not state a cognizable claim. In particular, Section 9(a) of the Act, 415 ILCS 5/9(a) and Section 201.141 of the Board Air Pollution Regulations, 35 III. Adm. Code 201.141 are general provisions that are superseded by the specific provisions within Sterigenics' CAAPP permit and the Illinois Environmental Protection Act. Sterigenics has complied and still complies with the particular regulations and permit conditions that govern ethylene oxide emissions. If the State is allowed to pursue permittees for purported violations of Section 9(a) of

the Act and Section 201.141 of the Board Air Pollution Regulations, in despite of their permit compliance, this would render the CAAPP program meaningless.

3. Sterigenics' operations do not cause or maintain a public nuisance through its emissions of ethylene oxide. Its operations are conducted pursuant to and in accordance with the State's permission through Illinois EPA's grant of the CAAPP permit. As was held in *Young v. Bryco Arms*, 213 Ill. 2d 433, 443–44, 821 N.E.2d 1078, 1084 (2004) (emphasis added): “[W]hen a commercial enterprise is **highly regulated** by state or federal law, the operators of the enterprise may not be held liable in public nuisance for a resulting interference with a public right unless: (1) the defendant's conduct is not in compliance with the law; (2) the defendant was otherwise negligent; or (3) the law permitting the conduct is itself invalid for allowing a nuisance.” The Complaint never alleges that Sterigenics is not in compliance with the rules and regulations that particularly govern ethylene oxide; indeed, Illinois EPA admits on its website that Sterigenics *is* in compliance. (Exhibit A). Nor does the Complaint allege that Sterigenics' emissions of ethylene oxide were negligent. Finally, the Complaint does not allege that Illinois' regulations governing ethylene oxide emissions are invalid. Sterigenics' emissions of ethylene oxide is conduct which is expressly permitted by the State of Illinois. “[I]ntentional conduct, if nonnegligent and allowed by the statutes and regulations governing a highly regulated industry, cannot give rise to liability for public nuisance.” *Id.*

#### **FOURTH DEFENSE: PERMIT SHIELD**

1. Count I is barred by the permit shield in the Operating Permit.
2. The Operating Permit contains a permit shield, as authorized by Section 39.5(7)(j) of the Act, 415 ILCS 5/39.5(7)(j), which states in part that “compliance with the conditions of

this permit shall be deemed compliance with applicable requirements.” Operating Permit Section 2.7(a).

3. Permit shields were created “to help stabilize the permit process and give greater certainty to the regulated community” regarding their specific legal obligations. 57 Fed. Reg. 32,255 (July 21, 1992).

4. Section 9(a) of the Act, 415 ILCS 5/9(a), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141, were applicable requirements at the time Illinois EPA approved and issued Sterigenics’ most recent Operating Permit on June 8, 2015.

5. The Illinois EPA determined that Sterigenics was in compliance with Section 9(a) of the Act and Section 201.141 of the Board Air Pollution Regulations when it approved and issued the Operating Permit on June 8, 2015.

6. The Complaint never alleges that Sterigenics does not comply with the ethylene oxide NESHAP, which the Illinois EPA integrated into the Operating Permit, nor any other permit requirements related to ethylene oxide emissions.

7. In receiving its Operating Permit, which was renewed in June 2015, Sterigenics reasonably understood that adherence to its particular terms would constitute compliance with Section 9(a) of the Act, Section 201.141 of the Board Air Pollution Requirements and other applicable requirements and would shield it from arbitrary suits such as this.

#### **FIFTH DEFENSE: ILLINOIS EPA APPROVED OF OPERATING PERMIT**

1. To the extent Sterigenics is found liable for causing, threatening, or allowing air pollution, the State of Illinois through the Illinois EPA is also liable for this same conduct. The Illinois EPA not only was fully aware of Sterigenics’ emissions, but it actively endorsed and allowed those emissions through its repeated issuance of operating permits. The Complaint is not based on Sterigenics’ actual emissions either; rather, Paragraph 59 notes that it is the

*allowable* emissions—which are authorized by the Illinois EPA—that constitute “air pollution” as defined in 415 ILCS 5/3.115, forming the basis of Count I. If Illinois EPA now claims it made a mistake in setting forth permit requirements in Sterigenics’ Operating permit, then Sterigenics, which received no guidance or warning from Illinois EPA before or since this action was brought, should not be made the scapegoat. The Illinois EPA is at least equally, if not more responsible for causing, threatening, or allowing any alleged air pollution, and therefore the Complaint’s request for penalties should be mitigated or eliminated correspondingly.

WHEREFORE, defendant Sterigenics U.S., LLC, respectfully requests that the Complaint be dismissed with prejudice, that judgment be entered in its favor thereon, and that this Court grant to it such other relief as this Court deems appropriate and just.

Date: May 2, 2019

Respectfully submitted,

By: /s/ Gerard D. Kelly  
Gerard D. Kelly

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*Attorneys for Sterigenics U.S., LLC*

**AFFIDAVIT OF WANT OF KNOWLEDGE BY STERIGENICS U.S., LLC**

Pursuant to Section 2-610(b) of the Illinois Code of Civil Procedure, the undersigned under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, Kathy Hoffman, being first duly sworn upon oath, deposes and states:

I am Senior Vice President of Global Environmental Health and Safety and Technical Services of Sterigenics U.S., LLC. Being duly authorized in the above entitled cause of action, I certify that assertions of want of knowledge contained herein are true and correct to the best of my knowledge and belief.

*Kathy Hoffman*

Subscribed and Sworn to  
before me this 02 day of  
May, 2019

*Claudine Evans*

Notary Public



**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2019, I served a copy of the foregoing on the following counsel by electronic mail:

Daniel Rottenberg  
Stephen Sylvester  
Elizabeth Wallace  
Matt Dunn  
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/s/ Kate Lambert

Kate Lambert



# Exhibit A

Document title: Sterigenics - Sterigenics

Capture URL: <https://www2.illinois.gov/epa/topics/community-relations/sites/sterigenics/Pages/default.aspx>

Captured site IP: 163.191.60.140

Page loaded at (UTC): Thu, 02 May 2019 20:15:21 GMT

Capture timestamp (UTC): Thu, 02 May 2019 20:15:44 GMT

Capture tool: v6.9.2

Collection server IP: 54.175.14.236

Browser engine: Chrome/62.0.3202.9

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 6

Capture ID: b5a3e9e4-2e49-4708-b141-c98567f6813d

User: pagevault-steve



## Sterigenics

### New Information

02/15/2019 - Illinois EPA Director seals portions of Sterigenics due to public health hazards from ethylene oxide emissions. Additional information can be found in the [News Release](#) and [Seal Order](#). Illinois EPA's recent inspection reports are available in the [Documents](#) section below.

### Navigation

- Background
- Questions
- Contacts
- Documents and Links

### Illinois EPA

The Illinois EPA upholds those standards established by the state Environmental Protection Act, the federal Clean Air Act and the corresponding regulations. Illinois EPA is the regulatory agency that inspects, permits and ensures that facilities comply with the applicable rules and regulations.

### Sterigenics

Sterigenics US LLC operates a hospital implement sterilization facility at 7775 Quincy Street and 830 Midway in Willowbrook. The facility uses ethylene oxide to sterilize hospital equipment/implements. Implements to be sterilized are placed in a chamber and ethylene oxide is introduced to the chamber. After a certain residence time, the chamber is evacuated of ethylene oxide. After the chamber is evacuated of the ethylene oxide, air is introduced into the chamber. When air is introduced into the chamber, residual amounts of ethylene oxide are vented through a "back vent."

Sterigenics is currently controlling the back vents at the facility with a scrubber. The company recently had stack testing of back vent emissions done, as required by Illinois EPA permit #18060020, to verify the performance of the scrubber. The stack testing was performed in accordance with USEPA stack test guidance and the stack test plan was approved by Illinois EPA. Both Illinois EPA and USEPA observed the stack testing. Final results from the stack test showed no measurable EtO emissions after the scrubber. A full stack test report will be submitted to the Illinois EPA in the next few weeks.

### Background

USEPA identifies certain chemicals as hazardous air pollutants (HAPs). One such chemical is Ethylene Oxide (EtO). USEPA regulates facilities that have emissions of HAPs by setting National Emission Standards for Hazardous Air Pollutants (NESHAP). The intent of a NESHAP is to protect public health by requiring existing and new major sources to control emissions to the level achievable by the maximum achievable control technology (MACT).

#### SITE FACT SHEETS

300 West LLC/Arnold  
Engineering Co.

Beaver Valley

Beloit Corporation

Caterpillar Proving  
Grounds

Chanute AFB

Chemetco

Clinton Landfill 3

Crestwood PWS

Downers Grove

Exelon Braidwood

Flagg Creek Veeck Park

Formosa Plastics

Fox Lake

Gem Cleaners

General Electric  
Morrison

Gulf Mobile & Ohio  
Railyard

Harristown Terminal

Hartford

Hegeler Zinc

Hillside Landfill

Indian Refining

Iowa Interstate Railroad

J & R Used Tire Services

Jennison Wright

Lisle Groundwater

Mahomet Aquifer

Mahomet Aquifer Task  
Force

Periodically, USEPA reevaluates HAPs by reviewing the most recent scientific studies to ensure up-to-date risk categorizations and to determine if updates need to be made to a NESHAP. USEPA recently updated the risk profile for EtO, significantly reducing the acceptable exposure level. As a result of the updated risk profile, USEPA has begun to assess sources that use EtO for purposes of updating the NESHAP. Hospital equipment sterilization facilities are a user of EtO. The NESHAP for sterilization facilities has not yet been changed.

As part of its review, USEPA identified Sterigenics in Willowbrook as a user of EtO and conducted modeling of the emissions from the facility. USEPA then performed ambient air sampling around the facility in May of 2018 and forwarded that information to the Agency for Toxic Substance and Disease Registry (ATSDR), the federal public health agency, for a public health assessment to help USEPA evaluate the need for regulatory changes that may be needed to the sterilization facility NESHAP. ATSDR produced a Health Consultation Report and summarized its findings in an e-mail to the Village of Willowbrook.

"The emissions of ethylene oxide from the Sterigenics International, Inc. facility in Willowbrook, IL are not an immediate threat to public health and are not considered to be an emergency situation. ATSDR recommended to U.S. EPA that actions be taken to reduce emissions of ethylene oxide from this facility to protect the public from long-term exposures that could harm their health.

The conclusion in the ATSDR Letter Health Consultation report,

*"If measured and modeled data represent typical EtO ambient concentrations in ambient air, an elevated cancer risk exists for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility. These evaluated risks present a public health hazard to these populations"*

is to inform and support the regulatory decisions being made by the state and EPA to reduce emissions from that facility to protect public health.

**ATSDR based this conclusion on estimated cancer risks that are calculated using conservative assumptions about a lifetime exposure to the highest levels of ethylene oxide that were measured in Willowbrook commercial and residential areas near the facility.** The highest measured levels of ethylene oxide in those areas were about 1,000 times lower than levels associated with cancer risks in scientific studies of workers with industrial exposure to EtO."

In June 2018, Sterigenics requested a construction permit from the Illinois EPA to control emissions of EtO from the back vents with a scrubber. Illinois EPA issued a construction permit for the scrubber and it has been in operation since the end of July. Scrubbers are a known technology for controlling emissions and typically have a greater than 90% efficiency. The scrubber has reduced emissions from the facility. Sterigenics is required to stack test to verify the level of control from the stack.

As noted above, USEPA previously conducted modeling and sampling. It is important that any additional sampling and modelling conform to the same criteria that was previously used so that the results may be directly correlated to the previous sampling event. The Illinois EPA has requested that USEPA perform additional modeling and monitoring and reassess the risk assessment now that emissions from the facility have been significantly reduced.

## Questions the Illinois EPA has received from the Public

1. Has the company always been in compliance with air regulations?
2. Has the company always been in compliance with all regulations?

Force

Markham

Matthiessen Hegeler

MIG/Dewane Landfill

Monterey Mine

New Jersey Zinc

Northwest Rockford  
Fuel Contamination

Nova-Kem Chemical  
Fire

Pilsen Neighborhood  
Lead

Premcor Refinery

Rosiclare Mines

Sandoval Zinc

Sandoval Zinc

Sauk Village

Shell Environmental

Smith-Douglass

Southeast Rockford

St Louis Smelting

**Sterigenics**

Veolia Winnebago  
Landfills

Wayne Township

1. Has the company always been in compliance with all regulations?

Sterigenics is currently in compliance with applicable environmental regulations including USEPA's National Emission Standard for Hazardous Air Pollutants (NESHAP). They have not always been in compliance. Please see question two for additional information.

2. The facility had a release of EtO in 2013. Did the emissions exceed the 10 lbs. of EtO that requires the company to notify the EPA? When was Sterigenics given the first notice of violation for the emission of EtO?

On October 21, 2013, Sterigenics reported a release of EtO to the Agency. The release was estimated to be between 10 and 30 pounds. The Illinois EPA issued a notice of violation to the company on November 12, 2013 and referred the violation to the Illinois Attorney General's Office. The AGO, Illinois EPA and the company signed a Consent Order including a penalty in September 2015.

3. When is Sterigenics or the EPA going to retest the emissions? When would at least the preliminary results be available to the public?

Third-party stack testing as required by the 2018 construction permit occurred on September 20<sup>th</sup> & 21<sup>st</sup>. Illinois EPA and USEPA had staff on-site during the stack testing and all indications are that the scrubber performed as designed, i.e. significantly reducing emissions. The Illinois EPA has demanded the final stack test results be provided as soon as possible.

4. Are the controls installed in July working?

The pollution control equipment in operation are scrubbers. Scrubbers are known technology for controlling emissions. Scrubbers typically have a 90+% efficiency at reducing emissions. To verify the exact efficiency, IEPA required the company to conduct stack testing. Testing was completed on September 20<sup>th</sup> & 21<sup>st</sup>. Illinois EPA has demanded the final stack test results be provided as soon as possible.

5. What periods throughout the day and days of the week was EtO being emitted?

The facility's permit does not limit the operating hours of the facility. Rather, the permit addresses the conditions to which the source must adhere when operating.

6. How long has this plant been emitting EtO into the surrounding neighborhoods?

The facility uses EtO to sterilize hospital implements. One of the facility buildings has been operating since 1984 and the other since 1999.

7. Why is the facility operating in close proximity to schools? Facilities like this should not be located with residential areas within a certain radius.

Neither the Illinois EPA nor USEPA regulate land use decisions or the appropriateness of zoning. There are no federal or state laws that provide setback requirements to separate commercial/industrial zones from residential areas.

8. Will the Illinois EPA shut the facility down?

The Illinois EPA has received this question from numerous residents. The Agency is seeking an order enjoining Sterigenics from continuing operations that result in any emissions of ethylene oxide either until a complete review of additional modeling and risk assessment is completed by U.S. EPA or until U.S. EPA otherwise assures the community that resumed operations would not present an elevated health risk.

The suggestion has been made that the Clean Air Act (CAA) or the CAAPP permit contain a

The suggestion has been made that the Clean Air Act (CAA) or the CAAPP permit contain a provision that allows the shutdown of the facility. The Illinois EPA believes this comment refers to administrative and civil actions during air pollution emergencies covered by Section 303 of the CAA. Section 303 authority is a federal authority when there is imminent or substantial endangerment. The CAAPP permit does not provide this authority to the state, but includes a provision that no condition in the CAAPP permit will preclude USEPA's use of that authority. While guidance for Section 303 addresses the risk posed by carcinogenic substances, this is a federal authority that does not extend to state jurisdiction.

## Contacts

Questions about the permit, inspections and stack testing

Illinois EPA

✉ [Brad.Frost](mailto:Brad.Frost@epa.state.il.us)

(217)782-7027

## Documents & Links

✉ [Illinois EPA Inspection Report - February 25, 2019](#)

✉ [Illinois EPA Inspection Report - March 12, 2019](#)

✉ [Illinois EPA Inspection Report - March 19, 2019](#)

✉ [Illinois EPA Inspection Report - March 26, 2019](#)

✉ [Illinois EPA Inspection Report - March 29, 2019](#)

✉ [Illinois EPA Inspection Report - April 5, 2019](#)

✉ [Illinois EPA Inspection Report - April 16, 2019](#)

✉ [Illinois EPA Inspection Report - April 24, 2019](#)

✉ [Illinois EPA Inspection Report - April 26, 2019](#)

[USEPA's Outdoor Air Monitoring in Willowbrook](#) <sup>(a)</sup> webpage

✉ [Transmittal Letter](#), ✉ [Willowbrook I Stack Test Report](#), and ✉ [Willowbrook II Stack Test Report](#)

✉ [Illinois EPA Letter to Sterigenics](#), September 25, 2018

✉ [Illinois EPA Letter to USEPA](#), September 25, 2018

✉ [USEPA Response to Director Messina](#), September 27, 2018

✉ [Sterigenics' letter](#) transmitting stack test results to Illinois EPA, September 27, 2018

USEPA's Sterigenics website: <https://www.epa.gov/il/sterigenics-willowbrook-facility> <sup>(a)</sup>

USEPA information on ethylene oxide: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide> <sup>(a)</sup>


USEPA frequently asked question on ethylene oxide: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-ethylene-oxide> <sup>(a)</sup>

ATSDR factsheet on ethylene oxide: ✉ <https://www.atsdr.cdc.gov/toxfaqs/tfacts137.pdf> <sup>(a)</sup>

OSHA factsheet on ethylene oxide: ✉ [https://www.osha.gov/OshDoc/data\\_General\\_Facts/ethylene-oxide-factsheet.pdf](https://www.osha.gov/OshDoc/data_General_Facts/ethylene-oxide-factsheet.pdf) <sup>(a)</sup>

✉ [Clean Air Act Permit Program Permit \(CAAPP\)](#) – the operating permit for Sterigenics


✉ [Construction Permit #18060020](#) – the construction permit to control emissions from the back


 [Construction Permit #18060020](#) – the construction permit to control emissions from the back

USEPA's Sterigenics website: <https://www.epa.gov/ill/sterigenics-willowbrook-facility><sup>[2]</sup>


USEPA information on ethylene oxide: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide><sup>[2]</sup>


USEPA frequently asked question on ethylene oxide: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide/frequent-questions-ethylene-oxide><sup>[2]</sup>


ATSDR factsheet on ethylene oxide:  <https://www.atsdr.cdc.gov/toxfags/tfacts137.pdf><sup>[2]</sup>

OSHA factsheet on ethylene oxide: 

[https://www.osha.gov/OshDoc/data\\_General\\_Facts/ethylene-oxide-factsheet.pdf](https://www.osha.gov/OshDoc/data_General_Facts/ethylene-oxide-factsheet.pdf)<sup>[2]</sup>

 [Clean Air Act Permit Program Permit \(CAAPP\)](#) – the operating permit for Sterigenics

 [Construction Permit #18060020](#) – the construction permit to control emissions from the back vents

 [Illinois EPA's 2016 Inspection Report](#) – the last facility inspection report


 [2013 Violation Notice](#) & resulting  [2015 Consent Order](#)

 [Annual Emission Reports 1995 - 2017](#)






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[Notice of Nondiscrimination](#)  
[Notificación Sobre Actos Discriminatorios](#)

## Contact Us

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 (217) 782-3397

## State Government

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 [Office of the Governor](#)  
 [Inspector General](#)  
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Governor JB Pritzker

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# Exhibit B





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 27, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Richard Durbin  
United States Senate  
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter of September 21, 2018, about ethylene oxide emissions from the Sterigenics facility in Willowbrook, Illinois. Please know that the Agency shares your concerns and is taking actions to provide certainty to the residents of Willowbrook. In the short term, the U.S. Environmental Protection Agency's (EPA) national Office of Air and Radiation will be collecting, analyzing, and communicating technical information, including recent stack testing results, risk and exposure modeling, and ambient monitoring, to provide updated, comprehensive information to the public. It is important to note that the air concentrations of ethylene oxide are not high enough to cause immediate harm to health for the people in and around Willowbrook.

We are working with state and local air agencies and other EPA offices to take steps to address emissions of ethylene oxide, and are committed to continuing to provide information to the public throughout this process. Initial information, including links to information for the Willowbrook facility, is available on our ethylene oxide website at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>.

Willowbrook is one of a number of areas that the recently updated National Air Toxics Assessment (NATA) identifies as potentially having an elevated chronic risk from ethylene oxide. NATA is a screening tool to identify areas of the country, pollutants or types of pollution sources that may need to be examined further to better understand risks to public health. Ethylene oxide is used to sterilize equipment and plastic devices that cannot be sterilized by steam, such as medical equipment. The elevated risks from ethylene oxide in the 2014 NATA are driven largely by a toxicity value from the Agency's 2016 IRIS assessment, which estimated that ethylene oxide is 50 to 60 times more potent than previous estimates. This value is used along with the information about air concentrations (exposure), to determine potential risk of cancer that may occur to someone who is continuously exposed to a specific chemical for 24 hours per day over 70 years.

Over the last several months, EPA has provided ethylene oxide-related information from NATA and additional technical work to the community in and around Willowbrook. We know that this information has raised a number of questions and the Agency is working to develop additional technical and communication materials to help the community understand the potential risks.

Based on preliminary NATA results earlier this year, EPA Region 5 contacted Sterigenics about its emissions. The company quickly and voluntarily took steps to reduce emissions using pollution control equipment. The pollution control improvements were completed on July 27, 2018. Sterigenics had estimated that the control equipment would reduce ethylene oxide emissions by over 90 percent. After the pollution controls began operating, a contractor hired by Sterigenics conducted stack testing of ethylene oxide emissions at the facility on September 20 and 21, 2018. U.S. EPA subject matter experts as well as experts from the Illinois EPA were on site to ensure that the tests followed EPA-approved protocols and would provide the right type of information to inform the community about resulting changes in emissions and concentrations of ethylene oxide. This testing will give the Agency the information it needs to provide the most accurate picture of the potential risks to the community, and actions the Agency may need to take.

We expect to receive the results of the testing in the next few days. Early indications from the post-control stack testing suggest that emissions have indeed been significantly reduced. Our experts will work with our colleagues at the Illinois EPA to review the test data as soon as we receive it to quality assure the results and make them available to the public as expeditiously as possible. EPA will use the quality-assured data from the stack tests to conduct additional technical assessments that will help us estimate potential risk for the community. U.S. EPA will work closely with Illinois EPA and Sterigenics as we conduct these assessments.

We have received a number of requests to conduct outdoor air quality monitoring of ethylene oxide in Willowbrook. While there are limitations to the ability of currently available monitoring instruments and techniques to measure ethylene oxide at all levels that may present a long-term public health risk, EPA also intends to supplement this technical work with appropriate ambient monitoring in the near future. It is important to note that data from emissions testing at the stack provides the most accurate information to assist us in determining potential risk.

EPA is also working to further investigate emissions at the other areas NATA indicated may be at higher risk due to ethylene oxide exposure. We will work with state and local agencies and across EPA offices on a two-pronged approach to address ethylene oxide emissions:

1. The Agency has already started to review and update Clean Air Act regulations for facilities that emit ethylene oxide. This work includes standards applicable to chemical plants that use ethylene oxide and, more importantly for Willowbrook, standards for sterilizers that use ethylene oxide.
2. We are gathering additional information on industrial emissions of ethylene oxide from particular facilities, including the Willowbrook facility. This information will help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review. It also will help the Agency determine whether more immediate emission reduction steps are necessary in any particular locations.

Additional information on our work to address ethylene oxide is available at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>. The 2014 NATA results are available at: <https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results>.

EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the U.S. Please do not hesitate to contact me or Troy Lyons in the Office of Congressional and Intergovernmental Relations at [lyons.troy@epa.gov](mailto:lyons.troy@epa.gov) or 202-564-5200 if you wish to discuss this issue further.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Assistant Administrator

# Exhibit C



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 27, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Tammy Duckworth  
United States Senate  
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter of September 21, 2018, about ethylene oxide emissions from the Sterigenics facility in Willowbrook, Illinois. Please know that the Agency shares your concerns and is taking actions to provide certainty to the residents of Willowbrook. In the short term, the U.S. Environmental Protection Agency's (EPA) national Office of Air and Radiation will be collecting, analyzing, and communicating technical information, including recent stack testing results, risk and exposure modeling, and ambient monitoring, to provide updated, comprehensive information to the public. It is important to note that the air concentrations of ethylene oxide are not high enough to cause immediate harm to health for the people in and around Willowbrook.

We are working with state and local air agencies and other EPA offices to take steps to address emissions of ethylene oxide, and are committed to continuing to provide information to the public throughout this process. Initial information, including links to information for the Willowbrook facility, is available on our ethylene oxide website at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>.

Willowbrook is one of a number of areas that the recently updated National Air Toxics Assessment (NATA) identifies as potentially having an elevated chronic risk from ethylene oxide. NATA is a screening tool to identify areas of the country, pollutants or types of pollution sources that may need to be examined further to better understand risks to public health. Ethylene oxide is used to sterilize equipment and plastic devices that cannot be sterilized by steam, such as medical equipment. The elevated risks from ethylene oxide in the 2014 NATA are driven largely by a toxicity value from the Agency's 2016 IRIS assessment, which estimated that ethylene oxide is 50 to 60 times more potent than previous estimates. This value is used along with the information about air concentrations (exposure), to determine potential risk of cancer that may occur to someone who is continuously exposed to a specific chemical for 24 hours per day over 70 years.

Over the last several months, EPA has provided ethylene oxide-related information from NATA and additional technical work to the community in and around Willowbrook. We know that this information has raised a number of questions and the Agency is working to develop additional technical and communication materials to help the community understand the potential risks.

Based on preliminary NATA results earlier this year, EPA Region 5 contacted Sterigenics about its emissions. The company quickly and voluntarily took steps to reduce emissions using pollution control equipment. The pollution control improvements were completed on July 27, 2018. Sterigenics had estimated that the control equipment would reduce ethylene oxide emissions by over 90 percent. After the pollution controls began operating, a contractor hired by Sterigenics conducted stack testing of ethylene oxide emissions at the facility on September 20 and 21, 2018. U.S. EPA subject matter experts as well as experts from the Illinois EPA were on site to ensure that the tests followed EPA-approved protocols and would provide the right type of information to inform the community about resulting changes in emissions and concentrations of ethylene oxide. This testing will give the Agency the information it needs to provide the most accurate picture of the potential risks to the community, and actions the Agency may need to take.

We expect to receive the results of the testing in the next few days. Early indications from the post-control stack testing suggest that emissions have indeed been significantly reduced. Our experts will work with our colleagues at the Illinois EPA to review the test data as soon as we receive it to quality assure the results and make them available to the public as expeditiously as possible. EPA will use the quality-assured data from the stack tests to conduct additional technical assessments that will help us estimate potential risk for the community. U.S. EPA will work closely with Illinois EPA and Sterigenics as we conduct these assessments.

We have received a number of requests to conduct outdoor air quality monitoring of ethylene oxide in Willowbrook. While there are limitations to the ability of currently available monitoring instruments and techniques to measure ethylene oxide at all levels that may present a long-term public health risk, EPA also intends to supplement this technical work with appropriate ambient monitoring in the near future. It is important to note that data from emissions testing at the stack provides the most accurate information to assist us in determining potential risk.

EPA is also working to further investigate emissions at the other areas NATA indicated may be at higher risk due to ethylene oxide exposure. We will work with state and local agencies and across EPA offices on a two-pronged approach to address ethylene oxide emissions:

1. The Agency has already started to review and update Clean Air Act regulations for facilities that emit ethylene oxide. This work includes standards applicable to chemical plants that use ethylene oxide and, more importantly for Willowbrook, standards for sterilizers that use ethylene oxide.
2. We are gathering additional information on industrial emissions of ethylene oxide from particular facilities, including the Willowbrook facility. This information will help EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review. It also will help the Agency determine whether more immediate emission reduction steps are necessary in any particular locations.

Additional information on our work to address ethylene oxide is available at: <https://www.epa.gov/hazardous-air-pollutants-ethylene-oxide>. The 2014 NATA results are available at: <https://www.epa.gov/national-air-toxics-assessment/2014-nata-assessment-results>.

EPA will continue to coordinate closely with state and local air agencies, and across EPA offices, as we continue to work to address ethylene oxide and protect public health across the U.S. Please do not hesitate to contact me or Troy Lyons in the Office of Congressional and Intergovernmental Relations at [lyons.troy@epa.gov](mailto:lyons.troy@epa.gov) or 202-564-5200 if you wish to discuss this issue further.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Assistant Administrator

# Exhibit D



**Agency for Toxic Substances and Disease Registry (ATSDR) Statement about the Letter Health Consultation *"Evaluation of Potential Health Impacts for Ethylene Oxide Emissions"***

The Agency for Toxic Substances and Disease Registry (ATSDR) on August 21, 2018, released a Letter Health Consultation report, *"Evaluation of Potential Health Impacts for Ethylene Oxide Emissions,"* in relation to the Sterigenics International, Incorporated facility in Willowbrook, IL. Sterigenics uses ethylene oxide to sterilize medical equipment and other products. ATSDR prepared the report at the request of the U.S. Environmental Protection Agency-Region 5, and posted the findings on the ATSDR website to share with the public.

The emissions of ethylene oxide from the Sterigenics International, Inc. facility in Willowbrook, IL **are not an immediate threat to public health and are not considered to be an emergency situation.** ATSDR recommended to U.S. EPA that actions be taken to reduce emissions of ethylene oxide from this facility to protect the public from long-term exposures that could harm their health.

The conclusion in the ATSDR Letter Health Consultation report,

*"If measured and modeled data represent typical EtO ambient concentrations in ambient air, an elevated cancer risk exists for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility. These evaluated risks present a public health hazard to these populations"*

is to inform and support the regulatory decisions being made by the state and EPA to reduce emissions from that facility to protect public health.

**ATSDR based this conclusion on estimated cancer risks that are calculated using conservative assumptions about a lifetime exposure to the highest levels of ethylene oxide that were measured in Willowbrook commercial and residential areas near the facility.** The highest measured levels of ethylene oxide in those areas were about 1,000 times lower than levels associated with cancer risks in scientific studies of workers with industrial exposure to EtO.

U.S. EPA has been working with Illinois EPA and Sterigenics to reduce emissions of ethylene oxide from the company's facility. In July 2018, the company installed additional pollution controls to capture ethylene oxide emissions. U.S. EPA and Illinois EPA will monitor the effectiveness of the new equipment to determine whether any other actions are needed to protect public health.

# Exhibit E

**From:** Johnson, Mark  
**Sent:** 20 Sep 2018 21:47:06 +0000  
**To:** 'Mumtaz, Moiz (ATSDR/DTHHS/OD)';mkj5@cdc.gov  
**Subject:** RE: Asking for an opinion  
**Attachments:** Sterigenics ATSDR Public Statement- FINAL 8-27-18.pdf

Moiz

Good to hear from you. Wish it was something less controversial.

We have been working on the Sterigenics investigation for several months with EPA. We posted the ATSDR Health Consultation document on our website on Aug. 21<sup>st</sup>. It was a very technical document that was written to inform and support an enforcement decision by EPA-R5 against Sterigenics to reduce their emissions of ethylene oxide (EtO). Unfortunately, EPA HQs did not allow for the implementation of the communications strategy that we had planned with EPA-R5. As a result, our Health Consultation document was the only communication to the public, which was not the intended audience. The outcome was the generation of a great deal of concern among workers in the nearby commercial buildings and nearby residents. We had a very contentious public meeting on Aug. 29<sup>th</sup>, with 500 people in attendance. We are in the process of preparing a summary fact sheet and a technical document for the public.

To respond to the questions from your friend- We have provided a clarifying statement to the Village of Willowbrook (see attached), which they have posted on their website, stating that this is not an immediate health threat and is not an emergency situation. The health concerns are with long-term exposure to EtO in the community. In last July, Sterigenics implemented engineering controls to reduce their emissions of EtO. They are conducting stack tests today and tomorrow to verify the extent of emissions reductions. At this point we do not think that it is unsafe to work and live in the area. Feel free to provide your friend with my contact information ([mdjohnson@cdc.gov](mailto:mdjohnson@cdc.gov); 312-353-3436) and we can try to answer any other questions he may have.

Mark

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Mark D. Johnson, PhD, DABT  
Regional Director/Toxicologist  
Agency for Toxic Substances and Disease Registry (ATSDR)  
77 W. Jackson Blvd. Rm. 433  
Chicago, IL 60604  
Email: [mdjohnson@cdc.gov](mailto:mdjohnson@cdc.gov)  
Office: 312-353-3436  
Cell: 312-307-7415

**From:** Rountree, Jillian  
**To:** Kathryn Siegel (siegel.kathryn@epa.gov)  
**Subject:** Koerber letter Sterigenics  
**Date:** Friday, February 8, 2019 10:07:00 AM  
**Attachments:** image2018-12-06-114650.pdf

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Hi Katie,

Attached is the letter sent to Sterigenics asking for daily usage information.

Jill

***Jillian Rountree***

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
77 W. Jackson Blvd. (C-14J), Cube 18010  
Chicago, Illinois 60604  
312-353-3849  
[rountree.jillian@epa.gov](mailto:rountree.jillian@epa.gov)

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Message

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**From:** Rountree, Jillian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D304E5E55A54908B24B17E57ECDBF3C-JROUNTRE]  
**Sent:** 3/19/2019 8:58:02 PM  
**To:** Leverett Nelson (nelson.leverett@epa.gov) [nelson.leverett@epa.gov]; Debra Klassman (klassman.debra@epa.gov) [klassman.debra@epa.gov]  
**Subject:** Sterigenics meeting  
**Attachments:** FW: Proposed meeting with Sterigenics on Friday, 3/15

Hi Rett and Deb,

Deb asked me to email you regarding the subject matter of the meeting tomorrow. Unfortunately, I have not been given details or an agenda, but I understand that it is intended to be a technical meeting. However, because Sterigenics counsel and IAG will be present, I also plan to attend. This is the meeting discussed in the email attached here (from 3/14/19). Thank you,

Jill

***Jillian Rountree***

Air and Radiation Division Detail Attorney  
U.S. EPA Region 5  
77 W. Jackson Blvd. (C-14J), Cube 18010  
Chicago, Illinois 60604  
312-353-3849  
[rountree.jillian@epa.gov](mailto:rountree.jillian@epa.gov)

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Message

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**From:** Rottenberg, Daniel [DRottenberg@atg.state.il.us]  
**Sent:** 5/24/2019 2:26:59 PM  
**To:** Rountree, Jillian [Rountree.Jillian@epa.gov]  
**Subject:** Sterigenics Filings  
**Attachments:** 20190506 Filed\_Complaint\_With\_Exhibits.pdf; 78 - Memo and Order of Opinion.pdf; 65- Corrected Memorandum in Support of Defendants MTD Sterigenics FAC FILED 3-15-2019.pdf; 72 - RESPONSE by Sterigenics U.S. LLC in Opposition to MTD FOR FAILURE TO STATE A CLAIM by Defs.pdf; 75 - Reply in Support of Defs MTD.pdf  
  
**Flag:** Follow up

Hi Jillian,

Nice to see you last night. Attached please find Sterigenics' state complaint challenging the seal order. On May 15, the case was reassigned to Judge Fullerton. Judge Fullerton is also assigned to the state enforcement action. Thus, both cases are now in front of the same judge in DuPage County.

I have also attached the briefing and order in the federal seal order case.

Please let me know if you have any questions. Perhaps I will see you next Tuesday or Wednesday (or both).

Thanks,

**Daniel Rottenberg**  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington St., 18<sup>th</sup> Floor  
Chicago, IL 60602  
312-814-3816  
312-814-2347 (fax)  
[drottenberg@atg.state.il.us](mailto:drottenberg@atg.state.il.us)

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enjoin a state agency or official on the basis of state law ran afoul of the Eleventh Amendment. Following an emergency hearing, Judge Kennelly agreed with Defendants, concluding that Sterigenics had “no reasonable likelihood of success” on the merits of its procedural due process claim or its Section 34(b) claim. (Dkt. 51-1 at 73:24–77:12.)

In response to that decision and instead of responding to Defendants’ amended motion to dismiss, Sterigenics filed an amended complaint. (Dkt. 54.) Although dressed up with new allegations and an additional cause of action, the amended complaint is, at bottom, based on the very same legal theories that Judge Kennelly rejected at the emergency hearing. (Dkt. 54.) As this Court remarked in its recent decision staying non-party discovery, the amended complaint “does not significantly change the posture of this case” because it “still relies on tenuous due process claims” to confer federal jurisdiction. (Dkt. 55 at 5 n.2.) Plaintiff’s new due process claim has no support in the law and does not change the fact that the statutory scheme confers sufficient process. Moreover, the same logic underlying Plaintiff’s attempt to cast its Section 34(b) claim as arising under federal law was just rejected by Judge Lee in the order remanding *People v. Sterigenics U.S., LLC*, No. 18-cv-8010 (U.S. Dist. Ct., N.D. Ill.) (Dkt. 48), to state court. For these reasons and those that follow, this Court should dismiss the amended complaint.

### **Background**

For more than thirty years, the facility now operated by Sterigenics in Willowbrook, Illinois, has been emitting ethylene oxide gas. (Dkt. 5 ¶ 11.) In December 2016, the federal government finished a ten-year, peer-reviewed evaluation of the carcinogenicity of ethylene oxide.<sup>1</sup> This evaluation, known as the “IRIS,” concluded that based on the weight of the current

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<sup>1</sup> See *Integrated Risk Information System (IRIS): Ethylene oxide, History*, U.S. EPA, available at [https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance\\_nmbr=1025#tab-3](https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=1025#tab-3) (last visited March 14, 2019). This Court may take judicial notice of an adjudicative fact that is “not subject to reasonable dispute” and “capable of accurate and ready determination by resort to sources whose accuracy



scientific evidence, ethylene oxide is a known human carcinogen that is 30 times more potent at causing cancer than previously estimated.<sup>2</sup> Following this evaluation, the federal government modeled ethylene oxide emissions throughout the country and identified seven census tracts surrounding Sterigenics with a higher than acceptable cancer risk.<sup>3</sup> This modeled risk led the federal government to further model and study ambient ethylene oxide concentrations surrounding Sterigenics' facility in Willowbrook.

In August 2018, the Agency for Toxic Substances and Disease Registry ("ATSDR"), an agency within the U.S. Department of Health and Human Services, concluded that if the measured and modeled ethylene oxide concentrations in ambient air as of May 2018 represent typical ethylene oxide ambient concentrations, "an elevated cancer risk exists for residents and off-site workers in the Willowbrook community surrounding Sterigenics, and these elevated risks present a public health hazard to these populations."<sup>4</sup>

Nearly six months later, monitors around Sterigenics detected ethylene oxide in concentrations far above the May 2018 samples that were utilized in the ATSDR report to reach its conclusion regarding the presence of a public health hazard in Willowbrook. Specifically, United States Environmental Protection Agency ("USEPA") sampling data made public on February 5, 2019, included for the first time double digit levels of ethylene oxide detected on

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cannot reasonably be questioned." Fed.R.Evid. 201(b); *Denius v. Dunlap*, 330 F.3d 919, 926 (7th Cir. 2003) (noting that contents of government websites are a proper item of which to take judicial notice).

<sup>2</sup> *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide*, INTEGRATED RISK INFORMATION SYSTEM (IRIS), at 1-7 (Dec. 2016), available at [https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/toxreviews/1025tr.pdf](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/1025tr.pdf) (last visited March 14, 2019).

<sup>3</sup> See 2014 National Air Toxics Assessment, USEPA, <https://www.epa.gov/national-air-toxics-assessment/2014-nata-map>.

<sup>4</sup> See *Evaluation of Potential Health Impacts from Ethylene Oxide Emissions*, U.S. DEP'T OF HEALTH & HUM. SERVS. 1 (Aug. 21, 2018), available at [https://www.atsdr.cdc.gov/HAC/pha/sterigenic/Sterigenics\\_International\\_Inc-508.pdf](https://www.atsdr.cdc.gov/HAC/pha/sterigenic/Sterigenics_International_Inc-508.pdf) (last visited Mar. 14, 2019).

December 6 and 26, 2018, at offsite locations near the Sterigenics' facility.<sup>5</sup> Thereafter, on February 14, 2019, the IEPA received a copy of Willowbrook's sampling results from February 5-8, 2019. (Case No. 18-cv-8010, Dkt. 24, Ex. 1 ¶ 14.) The measured airborne concentration of ethylene oxide at the Willowbrook Police Department – Outdoors location and the Willowbrook Village Hall – Outdoors location were 160 µg/m<sup>3</sup> and 38 µg/m<sup>3</sup>, respectively. (Dkt. 24, Ex. 4 at 5-6.) The Village Hall and Police Department are located across the street from the Sterigenics' facility. (Case No. 18-cv-8010, Dkt. 1-1 ¶ 34.) And after the Seal Order was entered, on March 7, 2019, USEPA posted sampling results between January 22 and February 11, 2019, which showed the highest levels of ethylene oxide recorded in residential neighborhoods downwind of Sterigenics.<sup>6</sup> USEPA stated that it “continue[s] to believe [Sterigenics] is responsible for a significant amount of ethylene oxide in the area.”<sup>7</sup>

The Illinois Constitution provides: “The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations.” Ill. Const. 1970 art. XI, § 1. Importantly, it also provides that “each person has the right to a healthful environment.” *Id.* § 2. In fulfillment of these constitutional requirements, the General Assembly enacted the Act in 1970. *See* 415 ILCS 5/1 *et seq.* Section 4(e) of the Act provides that the IEPA “shall have the duty to . . . take such summary enforcement action as is

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<sup>5</sup> *See Outdoor Air Monitoring Data in the Willowbrook Community*, December 2018: Ethylene Oxide Concentrations in Outdoor Air - 24-hour averages (PDF), U.S. EPA, [https://www.epa.gov/sites/production/files/2019-02/documents/willowbrook\\_eto\\_sampling\\_results\\_december\\_2018.pdf](https://www.epa.gov/sites/production/files/2019-02/documents/willowbrook_eto_sampling_results_december_2018.pdf).

<sup>6</sup> *See Outdoor Air Monitoring Data in the Willowbrook Community*, Full Data Table: Ethylene Oxide Concentrations in Outdoor Air - 24-hour averages (PDF), U.S. EPA, [https://www.epa.gov/sites/production/files/2019-03/documents/copy\\_of\\_030119\\_v2\\_willowbrook\\_eto\\_master\\_data\\_table\\_for\\_web.pdf](https://www.epa.gov/sites/production/files/2019-03/documents/copy_of_030119_v2_willowbrook_eto_master_data_table_for_web.pdf).

<sup>7</sup> Michael Hawthorne, *Highest levels of cancer-causing gas found in communities near Sterigenics since U.S. EPA began testing*, CHI. TRIB., March 8, 2019, <https://www.chicagotribune.com/news/local/breaking/ct-met-sterigenics-epa-ethylene-oxide-testing-20190307-story.html> (last visited Mar. 14, 2019).

provided for by Section 34.” *Id.* 5/4(e). Section 34(b), in turn, provides the authority for the IEPA to issue an administrative order to seal a facility when “the Agency finds that an imminent and substantial endangerment to the public health or welfare or the environment exists.” *Id.* 5/34(b).

On February 15, 2019, in order to adequately safeguard the public health and address an endangerment caused by Sterigenics’ ethylene oxide emissions, the IEPA exercised its authority in issuing the Seal Order against the Sterigenics facility in Willowbrook. In so doing, IEPA found that Sterigenics’ emissions of ethylene oxide “create an imminent and substantial endangerment to the public health and welfare.” (Dkt. 6-1 ¶ 14.) The Seal Order states that it will remain in effect “until measures are in place to prevent emissions of ethylene oxide that contribute to ambient levels of ethylene oxide which present a public health hazard to residents and off-site workers in the Willowbrook community.” (*Id.* ¶ 19.)

On February 18, 2019, Plaintiff filed a Complaint (Dkt. 1) and Emergency Motion for a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction Against Enforcement of the Seal Order (Dkt. 5). Judge Kennelly heard the TRO motion on Wednesday, February 20, 2019, where Plaintiff sought to obtain the ultimate relief it is seeking: nullification of the Seal Order. (Dkt. 1 at 7-8; Dkt. 6 at 26; *see* Dkt. 51-1 at 9:03-11.) After briefing and oral argument, Judge Kennelly denied Plaintiff’s TRO motion based on his conclusion that Plaintiff had failed to show a reasonable likelihood of success on the merits of its claims. (Dkt. 51-1 at 74:17-18, 77:10-12.) First, Judge Kennelly reasoned that the due process claim lacks merit because Illinois’ procedures for the issuance and review of seal orders under Section 34 of the Act satisfy constitutional due process requirements. (Dkt. 51-1 at 73:24–77:12.) Second, he also held that the Section 34(b) claim is barred by the Eleventh Amendment under *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89 (1984), which precludes a federal court from enjoining a state agency or official on the basis of state law. (*Id.*)

On February 27, 2019, the action was transferred to this Court. On March 6, 2019, the parties appeared before this Court and received a briefing schedule for Defendants' motion to dismiss the initial complaint that Defendants had amended and updated subsequent to the TRO hearing. (Dkt. 50) On March 7, 2019 at 11:43 p.m., in lieu of filing its response to Defendants' amended motion to dismiss (Dkt. 51), Plaintiff filed its amended complaint. (Dkt. 54) The amended complaint includes the two claims that Judge Kennelly found to have no reasonable likelihood of success, but differs in that it adds a second procedural due process claim. (*Compare* Dkt. 54, Counts I, III, *with* Dkt. 1, Counts I-II.) Unlike Plaintiff's first procedural due process claim, which focuses on the allegedly inadequate pre-deprivation process afforded to Plaintiff prior to the issuance of the Seal Order, Plaintiff's second procedural due process claim alleges inadequate post-deprivation process. (*Id.*)

Meanwhile, on October 30, 2018, the Illinois Attorney General and the DuPage County State's Attorney filed a two-count complaint in state court under Illinois law seeking injunctive relief to curtail Sterigenics' emissions. Sterigenics attempted to remove the case to federal court in this district, claiming that the complaint arose under federal law. On March 11, 2019, Judge Lee rejected Sterigenics' claim to federal jurisdiction and remanded the case to state court. *See People v. Sterigenics U.S., LLC*, No. 18-cv-8010 (U.S. Dist. Ct., N.D. Ill.) (Dkt. 47-48).

## **Argument**

### **I. Plaintiff's Due Process Claims Fail as A Matter of Law.**

When evaluating procedural due process claims, "[t]he fundamental requirement is an opportunity to be heard granted at a meaningful time and in a meaningful manner." *Bettendorf v. St. Croix Cty.*, 631 F.3d 421, 427 (7th Cir. 2011) (internal quotation marks and alterations omitted). This is not a mechanical inquiry; rather, due process is "flexible, requiring different procedural protections depending upon the situation at hand." *Id.* Employing that standard, Judge Kennelly

concluded that there was no “viable due process claim here” because “the statutory procedure allows for due process . . . in two ways: It allows for an immediate challenge in court; but even prior to that, it allows for an administrative challenge before the Pollution Control Board.” (Dkt. 51-1 at 76:12-16.) In other words, Judge Kennelly concluded that the process afforded to Sterigenics—taking into account the pre- and post-deprivation opportunities to be heard as well as the emergency nature of Section 34(b)—was sufficient. Plaintiff attempts to sidestep that conclusion by dividing its due process allegations into a pre-deprivation claim and a post-deprivation claim. But Plaintiff’s clever pleading does not cure the fundamental problems Judge Kennelly identified. Whether framed as a pre- or post-deprivation claim, the question is whether the process available to Plaintiff is constitutionally adequate. Judge Kennelly found that it is, and he is correct. Counts I and II of the amended complaint should therefore be dismissed.

**A. Count I Fails as a Matter of Law.**

In Count I of the amended complaint, Plaintiff alleges that the Seal Order violates its due process rights by failing to provide it with pre-deprivation process. (Dkt. 54 at 11-14.) In particular, Plaintiff alleges that the IEPA violated its rights by choosing to exercise its Section 34(b) authority to impose the Seal Order, rather than pursuing relief via civil litigation, revoking or terminating Plaintiff’s operating permits, or providing advance notice of the issuance of the Seal Order. (*Id.* ¶¶ 3, 22, 48) These complaints, however—that IEPA should have used a different mechanism to address the public health emergency at hand—do not amount to a due process violation. To the contrary, IEPA’s actions were entirely consistent with due process principles and the process outlined in Section 34 of the Act, neither of which require pre-deprivation notice in emergency circumstances.

The U.S. Supreme Court, Seventh Circuit, and Illinois courts all agree that “administrative action resulting in deprivation of a property interest without a prior hearing is justified when, as

here, it responds to situations in which swift action is necessary to protect the public health and safety.” *Hodel v. Va. Surface Min. & Reclamation Ass’n, Inc.*, 452 U.S. 264, 266 (1981). In *Hodel*, the U.S. Supreme Court reviewed provisions of the Surface Mining Control and Reclamation Act allowing the Secretary of Interior to immediately order total or partial cessation of a surface mining operation whenever he or she determines that operation creates immediate danger to health or safety of the public or can reasonably be expected to cause significant, imminent environmental harm. *Id.* at 298. Because the Act provided mine operators with the ability to immediately request temporary relief from the cessation, the Court held that it did not deny due process. *Id.*

The Seventh Circuit has concurred, asserting that “public health is one of the oldest examples of a government interest that can justify summary deprivation of property.” *Simpson v. Brown County*, 860 F.3d 1001, 1009 (7th Cir. 2017) (internal quotation marks and alterations omitted). It also explained that it would not “make a lot of sense to say that when a postdeprivation hearing not only is feasible but will give the deprived individual a completely adequate remedy . . . due process requires a right to a predeprivation hearing as well.” *Ellis v. Sheahan*, 412 F.3d 754, 758 (7th Cir. 2005). And here, Section 34(d) provides two “completely adequate” remedies, *id.*: (1) “a hearing [in front of the IPCB] in accord with Section 32 of [the] Act to determine whether the seal should be removed,” and (2) “immediate injunctive relief” in a court of proper jurisdiction, 415 ILCS 5/34(d). Under both U.S. Supreme Court and Seventh Circuit precedent, Section 34(d) satisfies due process.<sup>8</sup>

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<sup>8</sup> Elsewhere, Plaintiff has indicated that *Simpson* supports its position that it was entitled to pre-deprivation process here. (Dkt. 48-1 at 17.) This is not correct. In *Simpson*, the Seventh Circuit recognized the existence of an emergency exception, but decided that nothing in the “limited record” suggested that the septic problems at issue there justified pre-hearing revocation of Plaintiff’s septic repair and installation license. 860 F.3d at 1009. Those facts are readily distinguishable from the facts of this case, where the State has determined, based on a supporting record, that Sterigenics’ carcinogenic ethylene oxide emissions are contributing to an imminent and substantial endangerment to public health.

Similarly, Illinois courts have consistently found that “[w]here the public health is threatened, an administrative agency may act first and litigate later.” *People v. Conrail Corp.*, 251 Ill. App. 3d 550, 560, 622 N.E.2d 29, 36 (Ill. App. Ct. 1993) (holding that due process was not violated by an *ex parte* order to remove rail cars with municipal solid waste because potential release of hazardous waste into environment justified use of only a post-deprivation hearing). Given the “strong public interest in protecting the public health and environment,” statutes that “were enacted for the protection and the preservation of public health are to be given extremely liberal construction for the accomplishment and maximization of their beneficial objectives.” *Id.* “Consequently, the lack of a pre-enforcement hearing does not offend due process principles.” *Id.*

Finally, Plaintiff’s allegations that the Seal Order was substantively improper do not constitute a due process violation. (*See, e.g.* Dkt. 54 ¶¶ 45-47). As Judge Kennelly recognized, the true thrust of Plaintiff’s complaint is that the Seal Order was incorrect as a matter of substantive Illinois law. (Dkt. 51-1 at 77:3-9) As the U.S. Supreme Court has made clear, a due process inquiry measures the procedural opportunities available to plaintiff: “[t]he relevant inquiry is not whether a cessation order should have been issued in a particular case, but whether the statutory procedure itself is incapable of affording due process.” *Hodel*, 452 U.S. at 302. In this case, Plaintiff is using the guise of a federal due process claim to ask this Court to supplant the review procedures provided by state law. The Court should reject this improper invitation to circumvent state regulatory decision-making. *Bond v. Atkinson*, 728 F.3d 690, 693 (7th Cir. 2013) (“state law cannot be enforced through § 1983”). Section 34(d) of the Act provides Plaintiff with full due process, and any challenge that it may have to the Seal Order is properly brought in a state forum.

#### **B. Count II Fails as a Matter of Law.**

Plaintiff also alleges that it was deprived of “post-deprivation process” because neither Section 34 nor the Seal Order “identifies what the requirements are, much less the timing for

having IEPA lift the Seal Order.” (Dkt. 54 at ¶¶ 51, 52.) Plaintiff further alleges that “Defendants have not yet specified any concrete remedial measures which, if taken by Sterigenics, would cause them to lift the Seal Order.” (*Id.* ¶ 54.) In support of this allegation, Plaintiff cites two letters by its counsel directed to Defendants and their counsel, both of which are attached to the amended complaint. (*Id.* ¶ 53) These allegations do not state a due process claim for several reasons.

First, as discussed, Defendants’ arguments concerning Count I are equally applicable to Count II. Due process claims are not properly divided into pre- and post-deprivation buckets; the question is whether the statutory scheme affords the party with sufficient due process, in light of all of the circumstances at issue. And here, Section 34(d) of the Act allows for Plaintiff to seek an “immediate injunction” to “determine whether the seal should be removed” and also to challenge the Seal Order before the IPCB. 415 ILCS 5/34(d). Accordingly, this “statutory procedure allows for due process . . . on its face.” (Dkt. 51-1 at 76:13.) Plaintiff resists this conclusion by alleging that “neither form of challenge authorized under the statute is subject to any time limit, and thus neither provides prompt, certain, or adequate relief.” (Dkt. 54 ¶ 55.) This criticism smacks of irony given that Plaintiff did not avail itself of its right to “seek immediate injunctive relief” in state court, *see* 415 ILCS 5/34(d), and instead sought to manufacture a federal procedural due process claim.

Second, the Seal Order itself informs Plaintiff what it needs to do to have it lifted, contrary to Plaintiff’s intimations otherwise. Specifically, the Seal Order states that it should remain in place “until measures are in place to prevent emissions of ethylene oxide that contribute to ambient levels of ethylene oxide which present a public health hazard to residents and off-site workers in the Willowbrook community.” (Dkt. 6-1 at 3 ¶ 19.) Plaintiff has referenced no



authority that the U.S. Constitution requires Defendants to provide Plaintiff with a detailed plan for re-engineering its own facility to reduce emissions of ethylene oxide.<sup>9</sup>

Third, Plaintiff contends that Defendants have been unwilling to identify measures which would result in the lifting of the Seal Order. (Dkt. 54 at ¶¶ 33, 53, Exh. A.) In doing so, Plaintiff suggests, without citation, that constitutionally sufficient process must include detailed instructions regarding the conditions necessary for the IEPA to voluntarily lift the Seal Order without being required to do so by one of the tribunals available to Plaintiff under Section 34(d). (*Id.* at ¶¶ 33, 53.) This position has no basis in law. Not only that, Plaintiff's addition of this baseless claim has complicated Defendants' ability to engage in settlement communications with Plaintiff about potential preconditions for lifting or modifying the Seal Order. By attaching counsel's letters to its amended complaint, Plaintiff has improperly put settlement communications protected by Federal Rule of Evidence 408 in Count II.<sup>10</sup> *See Christopher Glass & Aluminum, Inc. v. O'Keefe*, No. 1:16-cv-11532, 2017 WL 2834536, at \*5 (N.D. Ill. June 30, 2017) (striking complaint allegations based on communications protected by Federal Rule of Evidence 408); *Trading Techs. Intern., Inc. v. BCG Partners, Inc.*, No. 10 C 715, 2011 WL 3946581 at \*2 (N.D. Ill. Sept. 2, 2011) (same). Because the settlement discussions among the parties and the attached letters are now the focus of Plaintiff's second procedural due process claim, Plaintiff's counsel are now key witnesses in support of that claim. Count II should be dismissed with prejudice.

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<sup>9</sup> The amended complaint, (Dkt. 48 ¶ 56), erroneously implies that Section 34 of the Act must include a set number of days because the federal Clean Air Act does so. *See* 42 U.S.C. § 7603. But the Clean Air Act does not define what is constitutionally required. And in any event, Section 34 is clear that Plaintiff has an "immediate" right to seek relief, which does not leave room for delay.

<sup>10</sup> Plaintiff has placed the discussions during a March 6, 2019 meeting directly at issue by alleging in the amended complaint filed the next day that "to this date, IEPA has not specified any concrete measures that, if Sterigenics took them, would result in the reopening of the Willowbrook facility." (Dkt. 54 ¶ 33.) Rebutting this allegation—which is the foundation of Plaintiff's new procedural due process claim—will require Defendants to disclose the contents of the settlement discussions that occurred on March 6, 2019.

## II. Plaintiff's Count III Provides No Independent Basis for Federal Jurisdiction.

The amended complaint also includes a Section 34(b) claim, which is a state-law claim that cannot by itself sustain federal jurisdiction. At the TRO hearing, counsel for Sterigenics conceded this point, stating that “if we had only filed this [action] with respect to the Section 34 [claim,] . . . we would have a problem.” (Dkt. 51-1 at 73:16-19.) Judge Kennelly ultimately agreed with Sterigenics on this point and concluded that this claim was a state claim barred by the Eleventh Amendment.

Plaintiff now attempts to walk back its concession and recast this as a federal claim. (Dkt. 54 ¶¶ 8, 59.) Specifically, it alleges that “Section 34(b) of the [Act] is part of Illinois’s State Implementation Plan (‘SIP’) implementing the Clean Air Act. Section 34(b) has been approved by USEPA as part of the SIP, and it therefore constitutes enforceable federal law.” (Id. ¶ 59.) This characterization is not correct. Unlike other SIP provisions that allow for citizen suits or other means of enforcement, Section 34 is an administrative tool that only IEPA, a state agency, may enforce. See 415 ILCS 5/34(b)(2) (“At any other site or facility where the *Agency* finds that an imminent and substantial endangerment to the public health or welfare or the environment exists, the *Agency* may seal any . . . facility contributing to the imminent and substantial endangerment.” (emphasis added)). As Judge Lee recently determined in his remand order, “broad prohibitions” contained in state law that do “not impose the sort of specific requirements for emission standards or limitations that are enforceable by the CAA” do not create federal jurisdiction because they are not federally enforceable. *People v. Sterigenics U.S., LLC*, No. 18-cv-8010 (U.S. Dist. Ct., N.D. Ill.) (Dkt. 48 at 14) (quoting *Her Majesty The Queen In Right of the Province of Ontario v. City of Detroit*, 874 F.2d 332, 341 (6th Cir. 1989)). Because Section 34 does not constitute enforceable federal law, this Court does not have jurisdiction over Count III’s state law claim.

### III. Plaintiff's Claims Are Barred by the Eleventh Amendment.

Furthermore, Plaintiff's entire action is barred by the Eleventh Amendment. As a general matter, the Eleventh Amendment "bars federal jurisdiction over suits brought against a state." *MCI Telecomms. Corp. v. Ill. Bell Telephone Co.*, 222 F.3d 323, 336 (7th Cir. 2000). There are three exceptions to Eleventh Amendment immunity: (1) where Congress abrogates a state's immunity from suit; (2) "where the state itself consents to being sued in federal court"; and (3) "under the doctrine articulated by the Supreme Court in *Ex parte Young*, [209 U.S. 123 (1908)]," which allows suits for prospective relief against officials in their official capacity in order to ensure they comply with federal law. *Council 31 of AFSCME, AFL-CIO v. Quinn*, 680 F.3d 875, 882 (7th Cir. 2012).

To begin, the Eleventh Amendment bars the section 34(b) injunctive claim against IEPA and Acting Director Kim under a straightforward *Pennhurst* analysis. Although Plaintiff attempts to paint this as a federal cause of action, it is a state-law claim seeking injunctive relief. *See supra* Section II. And as the U.S. Supreme Court held, "federal courts lack[ ] jurisdiction to enjoin . . . state institutions and state officials on the basis of . . . state law." *Pennhurst*, 465 U.S. at 106, 124-25; *see also id.* at 106 ("[I]t is difficult to think of a greater intrusion on state sovereignty than when a federal court instructs state officials on how to conform their conduct to state law."). Accordingly, Plaintiff's Section 34(b) claim seeking an injunction against IEPA and Acting Director Kim is barred.

Likewise, Defendants are protected from suit by the Eleventh Amendment on Plaintiff's due process claims. As to the claims against IEPA, "[s]tate agencies are treated the same as states" because "a state agency is the state for purposes of the eleventh amendment." *Kroll v. Bd. of Trustees of Univ. of Ill.*, 934 F.2d 904, 907 (7th Cir. 1991). Therefore, a state agency cannot be sued unless the waiver or abrogation exception applies. It is well-established that states are not "persons" under § 1983, and that Congress has not abrogated their immunity. *Joseph v. Bd. of*

*Regents of Univ. of Wis. Sys.*, 432 F.3d 746, 749 (7th Cir. 2005); *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 71 (1989). Nor has IEPA waived its immunity. Accordingly, the due process claims against IEPA should be dismissed.

Moreover, Plaintiff has failed to allege that the *Ex parte Young* exception applies with respect to the claim against Acting Director Kim. Under the *Ex parte Young* doctrine, courts “need only conduct a straightforward inquiry into whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.” *Verizon Md. Inc. v. Pub. Serv. Comm'n of Maryland*, 535 U.S. 635, 645 (2002) (internal quotation marks omitted). Here, the alleged violation under the procedural due process claims is not the Seal Order itself, “but instead, the fact that [it] occurred without an adequate opportunity to be heard.” *Sonnleitner v. York*, 304 F.3d 704, 718 (7th Cir. 2002). And for the reasons discussed above, the State provides to Plaintiff several postdeprivation procedures that Plaintiff could, but has chosen not to, take advantage of. Plaintiff does not require an injunction to pursue one of those statutorily available processes, nor can the court order retroactive relief by lifting the Seal Order given the constraints of the Eleventh Amendment. In sum, the procedural due process claims in Counts I and II of the amended complaint against the IEPA and Acting Director Kim should also be dismissed.

#### **IV. This Action Should Be Dismissed on *Younger* Abstention Grounds.**

Alternatively, dismissal is appropriate under the abstention principles announced in *Younger v. Harris*, 401 U.S. 37 (1971), and cases following it. Under *Younger*, a federal court generally may not exercise judicial power over a state court or administrative disciplinary or enforcement proceeding to protect a federal law defense that can be raised in that proceeding. *SKS & Assocs., Inc. v. Dart*, 619 F.3d 674, 678 (7th Cir. 2010); *Green v. Benden*, 281 F.3d 661, 666-67 (7th Cir. 2002); *Nader v. Keith*, 385 F.3d 729, 731-32 (7th Cir. 2004). If *Younger* abstention applies, the case should be dismissed. *Juidice v. Vail*, 430 U.S. 327, 337 (1977); *Hicks v. Miranda*,

422 U.S. 332, 350 (1975); *Green*, 281 F.3d at 667. Application of the doctrine requires an ongoing state proceeding that is judicial in nature, implicates an important state interest, and offers an adequate opportunity for review of constitutional claims. *Middlesex Cty. Ethics Comm'n v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982); see *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69, 79-80 (2013) (describing types of civil proceedings to which *Younger* abstention applies).

The proceeding in which the Seal Order was entered meets these criteria. It is a state administrative enforcement proceeding. See *Sprint Communications, Inc.*, 571 U.S. at 79-80; *Middlesex Cty. Ethics Comm'n*, 457 U.S. at 433-34 (attorney disciplinary proceeding); *Grason v. Burwell*, 659 F. App'x 899, 902 (7th Cir. 2016) (agency proceeding to revoke medical license); *Majors v. Engelbrecht*, 149 F.3d 709, 712-14 (7th Cir. 1998) (proceeding to revoke nursing license); *Maymo-Melendez v. Alvarez-Ramirez*, 364 F.3d 27, 31-34 (1st Cir. 2004) (suspension of horse trainer's license). It is ongoing because under Section 34(d) Plaintiff may seek review of the Seal Order, either before the IPCB or immediately in court by seeking an injunction, even if it has not done so. See *Majors*, 149 F.3d at 713; see also *Laurel Sand & Gravel, Inc. v. Wilson*, 519 F.3d 156, 167 (4th Cir. 2008); *Maymo-Melendez*, 364 F.3d at 34-35. It clearly implicates Illinois' important interest in protecting public health and safety. See *Woodfeathers, Inc. v. Washington Cty., Or.*, 180 F.3d 1017, 1020-21 (9th Cir. 1999) (enforcement of solid waste disposal ordinance); *Sun Ref. & Mktg. Co. v. Brennan*, 921 F.2d 635, 639-40 (6th Cir. 1990) (enforcement of state workplace safety law). And Plaintiff may raise in that proceeding, including on judicial review, any constitutional objection it may have to the Seal Order. See 415 ILCS 5/34(d), 41; *Green*, 281 F.3d at 666-67.

### **Conclusion**

Defendants respectfully request that the Court grant Defendants' Motion to Dismiss Plaintiff's First Amended Complaint and such other relief as the Court deems proper.

Date: March 15, 2019

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

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**STERIGENICS U.S., LLC,**

**Plaintiff,  
v.**

**JOHN KIM, not individually, but solely in  
his capacity as Acting Director of the Illinois  
Environmental Protection Agency, and the  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,**

**Defendants.**

**Case No. 19-cv-01219**

**Hon. Ruben Castillo**

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**PLAINTIFF STERIGENICS U.S., LLC'S OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS**

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Despite years of expressly authorizing the use by plaintiff Sterigenics U.S., LLC (“Sterigenics”) of ethylene oxide (“EO”) at its sterilization facility in Willowbrook, Illinois (the “Willowbrook facility”), on February 15, 2019, defendants Illinois Environmental Protection Agency (“IEPA”) and its Acting Director, John Kim (“Kim”), abruptly issued a “Seal Order” regarding “[a]ll storage containers of ethylene oxide” at the Willowbrook facility—effectively shutting the facility down indefinitely. Defendants did so without notice or process of any kind: they made no effort to modify longstanding state regulations authorizing EO emissions; they made no effort to revoke or to modify the IEPA-issued permit authorizing Sterigenics’ EO emissions, with which Sterigenics is fully compliant; and they have issued no seal order to any other EO emitter in Illinois.

Defendants claim their actions are consistent with due process requirements, because they now believe the EO emissions they have long authorized have suddenly become an emergency. This is because, Defendants say, two federal studies indicate that EO is more harmful than Defendants thought when the current and still-in-force rules were promulgated. But as the Complaint makes clear, there is no emergency. The studies Defendants cite were released six months and two years ago. That Defendants did nothing when the studies were released—and *still* have not taken steps to modify IEPA’s EO regulations—speaks volumes. And Defendants’ inaction was sensible, because the federal agencies that requested and produced the studies in question have said with drumbeat regularity that *there is no emergency in Willowbrook*.

In the absence of any emergency, the Due Process Clause does not allow Defendants to deprive Sterigenics of the right to use its property without a hearing. And contrary to Defendants’ arguments, this Court may—and indeed must—consider Sterigenics’ allegations that no emergency existed in assessing whether Defendants’ actions complied with due process

requirements. The Due Process Clause also bars Defendants from *expressly permitting* Sterigenics to emit a specified quantity of EO—and then shutting down the Willowbrook facility when Sterigenics did what IEPA authorized. If Defendants have changed their view on the proper level of EO emissions, then Defendants may change their regulations. But they may not shut down the Willowbrook facility without notice or process.

### FACTUAL ALLEGATIONS

On February 15, 2019, without process of any kind, Defendants issued a Seal Order on “[a]ll storage containers of ethylene oxide” at the Willowbrook facility, effectively shutting it down. (Dkt. 54 ¶ 1.) The shut-down has seriously harmed Sterigenics, its customers, and the US healthcare system. (*Id.* ¶¶ 35-37.) The Seal Order purportedly relied on 415 ILCS 5/34(b), which permits seal orders where there is an “emergency condition” or “imminent and substantial endangerment to the public health.” (*Id.* ¶ 2.) But Defendants’ conduct leading to the Seal Order, the Seal Order itself, and numerous regulators’ statements make clear that no emergency existed.

To begin, the Seal Order acknowledges that Sterigenics’ emissions of EO were *explicitly allowed by IEPA-issued operating permits*. (Dkt. 6-1 ¶¶ 15–17; Dkt. 54 ¶ 3.) The permit IEPA issued to Sterigenics under the Clean Air Act Permit Program (“CAAPP”) authorizes the emission of approximately 36,400 pounds of EO annually at the Willowbrook facility, and Sterigenics’ emissions in 2018 were not even one-eighth the authorized amount. (Dkt. 54 ¶ 14.)

Despite their express authorization of Sterigenics’ emissions, Defendants contend that two assessments—from the Agency for Toxic Substances and Disease Registry (“ATSDR”) and Integrated Risk Information System (“IRIS”)—justify their issuance of the Seal Order without any hearing. But the ATSDR and IRIS assessments were released six months and two years ago, respectively. (Dkt. 54 ¶ 46.) During the period following their release, IEPA took *no action whatsoever* with respect to EO emissions from the Willowbrook facility. (*Id.* ¶¶ 18, 47.) It did

not seek to modify Sterigenics' permit; it did not seek to modify governing regulations as to EO; and—although the Illinois Attorney General months ago filed a lawsuit against Sterigenics at the request of IEPA—the State never sought emergency relief in that case. (*Id.* ¶ 19.) Indeed, although Sterigenics and IEPA were in continuous communication in the months leading up to the Seal Order—including on the very day the Seal Order issued—Defendants *never* indicated that IEPA planned to issue a seal order, much less what they wanted Sterigenics to do to avoid such an order. (*Id.* ¶ 32.) Thus, *for months*, Defendants took no action in response to the ATSDR and IRIS assessments.

Defendants had good reason not to treat the situation as an emergency. The United States Environmental Protection Agency (“USEPA”) and ATSDR have repeatedly explained that none exists. (*Id.* ¶ 25.) ATSDR has emphasized that its report is “*not* one that indicated immediate health threat or that there was *an emergency situation*.” (*Id.* (emphasis added).) And it has issued a public statement clarifying that the Willowbrook facility’s EO emissions “are *not an immediate threat* to public health and *are not considered to be an emergency situation*.” (*Id.* (emphasis added).) USEPA sent letters to several Illinois elected officials explaining that “the air concentrations of EO are *not high enough to cause immediate harm* to health for the people in and around Willowbrook.” (*Id.* ¶ 26.)

The only other data on which Defendants purported to rely were ambient EO readings around Willowbrook between December 2018 and February 2019. (Dkt. 6-1 ¶ 14.) But these results were largely consistent with the data used by ATSDR—which ATSDR and USEPA agreed showed no emergency. As the Seal Order acknowledges, many readings were “as high ... [as] the levels used by ATSDR” (*Id.*), while only a few were slightly higher than those in the ATSDR report. (Dkt. 54 ¶ 28). Two purported readings, from the Village of Willowbrook

rather than a regulator, were entirely anomalous—the Village itself acknowledged these readings are “unexplainable.” (*Id.* ¶ 29.) Commenting on the subject, USEPA confirmed that “monitoring information about ethylene oxide in Willowbrook remains limited,” and “[i]t *remains premature to draw conclusions about long-term health risks*” from the data. (*Id.* ¶ 31 (emphasis added).) USEPA reiterated this point on March 7, 2019. (*Id.*)

Context further confirms that the EO readings Defendants now point to—“double digit levels of” EO, and readings of “160  $\mu\text{g}/\text{m}^3$  and 38  $\mu\text{g}/\text{m}^3$ ” (Dkt. 65 at 3-4)—do not establish any emergency or imminent public harm. Regulations from the federal Occupational Health and Safety Administration (“OSHA”) set forth a “Permissible Exposure Limit” of EO for employees under normal workplace conditions. OSHA’s weighted limit for a worker’s exposure to EO during an eight-hour workday is 1 ppm, the equivalent of *1,830  $\mu\text{g}/\text{m}^3$* .<sup>1</sup> Thus, the numbers that Defendants claim created an emergency requiring immediate action without a hearing are orders of magnitude *lower* than what OSHA authorizes for exposure during a daily eight-hour shift.

Finally, since issuing the Seal Order, Defendants have refused to clarify what the law requires of Sterigenics. The regulations and Sterigenics’ permit remain unchanged—yet, according to Defendants, Sterigenics’ compliance therewith is insufficient to support removal of the Seal Order. Defendants have tied Sterigenics’ hands by failing to identify acceptable emissions levels or actions that Sterigenics could take—beyond continued compliance with existing regulations— which would allow the Willowbrook facility to reopen. (Dkt. 54 ¶ 33; Dkt. 54-1.) This is unsurprising. One cannot say what would remedy

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<sup>1</sup> *Ethylene Oxide (EtO): Understanding OSHA’s Exposure Monitoring Requirements*, OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION, [https://www.osha.gov/Publications/ethylene\\_oxide.html](https://www.osha.gov/Publications/ethylene_oxide.html) (last visited Apr. 1, 2019).

an emergency, when no emergency exists.

## **ARGUMENT**

“To survive a motion to dismiss” a complaint need only allege “sufficient factual matter, accepted as true” to state a facially plausible claim to relief. *Firestone Fin. Corp. v. Meyer*, 796 F.3d 822, 826 (7th Cir. 2015) (quotes omitted). The Court must “accept all well-pleaded facts in the complaint as true and then ask whether those facts state a plausible claim for relief.” *Id.*

### **I. Sterigenics Has Stated A Claim For Violation Of Due Process.**

It is undisputed that the Seal Order deprived Sterigenics of its protected property interest in operating the Willowbrook facility. *See, e.g., Easter House v. Felder*, 910 F.2d 1387, 1395 (7th Cir. 1990). The “fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quotes omitted). An opportunity to be heard must be granted *before* any deprivation, except “in limited cases demanding prompt action.” *Fed. Deposit Ins. Corp. v. Mallen*, 486 U.S. 230, 240 (1988). “[A]bsent the necessity of quick action by the State,” taking property first and granting a hearing later is “constitutionally inadequate.” *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 436 (1982) (quotes omitted).

#### **A. No Emergency Justifies Defendants’ Actions.**

Defendants contend that their deprivation of Sterigenics’ property without a prior hearing was permissible, because “‘swift action’” was supposedly “‘necessary to protect the public health.’” (Dkt. 65 at 7-8 (quoting *Hodel v. Virginia Surface Mining & Reclamation Ass’n, Inc.*, 452 U.S. 264, 266 (1981).) But, they argue, this Court may not consider Sterigenics’ allegations that in fact *there was no emergency*. In cases like this, Defendants argue, there can be *no* federal review of a “state regulatory decision” that an emergency exists. (Dkt. 65 at 9.)

Not so. Under established Seventh Circuit precedent, courts *must* consider allegations



that the state's declaration of an emergency has no rational basis. In *Simpson v. Brown Cty.*, 860 F.3d 1001 (7th Cir. 2017), the Seventh Circuit reversed the granting of a motion to dismiss where predeprivation process was denied. *Id.* at 1013. Like Defendants here, the state officials relied on *Hodel*, contending that their "interest in public health and safety" justified revoking a license without prior notice. *Id.* at 1009. But the Seventh Circuit disagreed, explaining that "[a]s alleged" in the plaintiff's complaint, there was "no public health emergency." *Id.* at 1009-10. Because the Court was required to "take the truth of the allegations ... at face value," it could not conclude that the situation was "both so serious and so urgent as to justify summary action by the County, without an opportunity for Simpson to be heard." *Id.* at 1009. Indeed, Defendants concede that under *Simpson*, the Court must consider whether there is a "supporting record" to establish that Sterigenics' emissions of EO under the IEPA-issued permit are *in fact* "contributing to an imminent and substantial endangerment to public health." (Dkt. 65 at 8 n.8.)

Numerous courts agree that due process claims alleging that emergency declarations were pretextual are both viable and unresolvable on a motion to dismiss. In *Armendariz v. Penman*, 31 F.3d 860 (9th Cir. 1994), *vacated in part on other grounds*, 75 F.3d 1311 (9th Cir. 1996), the Ninth Circuit, addressing *Hodel*, held that, though summary emergency action "does not violate due process," this "rationale ... does not apply where the officials know no emergency exists, or where they act with reckless disregard of the actual circumstances." *Id.* at 866. The court further reasoned that, "if the emergency was a fabrication, then pre-deprivation process was possible." *Id.* Again, the question of the emergency's authenticity had to be left for the factfinder, once the "plaintiffs ... stated a claim for procedural due process violations." *Id.* The Second, Third, and Fifth circuits employ a similar rule, asking whether there is "competent evidence allowing the official to reasonably believe that an emergency does in fact exist." *Catanzaro v. Weiden*, 188

F.3d 56, 63 (2d Cir. 1999); *see also RBIII, L.P. v. City of San Antonio*, 713 F.3d 840, 847 (5th Cir. 2013); *Elsmere Park Club, L.P. v. Town of Elsmere*, 542 F.3d 412, 418 (3d Cir. 2008).

Under this standard, Sterigenics' pleadings state a claim for denial of due process. Sterigenics has alleged detailed facts showing that Defendants had no reasonable basis to conclude that any emergency existed. Moreover, because Defendants had knowledge of the ATSDR and IRIS studies on which the Seal Order purported to rely long before that order was issued, it is evident that "pre-deprivation process was possible." *Armendariz*, 31 F.3d at 866.

*Hodel*—on which Judge Kennelly relied in denying a TRO—is not to the contrary. Like Defendants (*see* Dkt. 65 at 9), Judge Kennelly read *Hodel* to provide that the Court should not assess "whether there was an emergency in [this] particular case," but rather "whether the statutory procedure allows for due process." (Dkt. 51-1 at 75:21-76:13.) But *Hodel* does not say that. *Hodel* involved a pre-enforcement "*facial* challenge" to an emergency powers statute. 452 U.S. at 268 (emphasis added). A facial challenge is "a claim that the law or policy at issue is unconstitutional in *all its applications*," *Bucklew v. Precythe*, \_\_ U.S. \_\_, No. 17-8151 (U.S. Apr. 1, 2019), slip op. at 18 (emphasis added). The *Hodel* plaintiffs did not challenge a specific application of the emergency statute, and accordingly did not allege, as Sterigenics does here, that no emergency existed to justify a particular state action.<sup>2</sup> And the *Hodel* Court thus did not make any ruling as to whether—when a particular emergency order *has* been issued without a predeprivation hearing—a plaintiff states a due process claim by alleging that no emergency

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<sup>2</sup> Before Judge Kennelly and now before this Court, Defendants pointed (Dkt. 65 at 9) to language in *Hodel* which states that "[t]he relevant inquiry is not whether a cessation order should have been issued in a particular case, but whether the statutory procedure itself is incapable of affording due process." 452 U.S. at 302. That was the relevant inquiry for the *Hodel* plaintiffs' *facial* challenge that the statute could not be constitutionally applied in any case. *Id.* Judge Kennelly, who had very limited time in which to review *Hodel*, mistakenly thought *Hodel* concerned an as-applied challenge to an actual emergency order, rather than a pre-enforcement, facial challenge to the statutory framework. (*See* Dkt. 51-1 at 75:23-76:4 (stating that "immediate cessation orders" had been issued "[i]n that particular case").)

exists to justify the order.

Since *Hodel*, five circuit courts—including the Seventh—have agreed that a summary deprivation violates due process if premised on an emergency declaration for which no reasonable basis exists. And those decisions confirm that when a complaint alleges, as Sterigenics’ does, that the state lacks any reasonable basis to act without a predeprivation hearing, then the complaint states a due process claim. Under these precedents—none of which were before Judge Kennelly—the motion to dismiss must be denied.

**B. Due Process Forbids Defendants From Issuing a Seal Order Based on Conduct That IEPA Has Expressly Approved.**

The Seal Order also fails because it penalizes Sterigenics for acting in compliance with the regulations that IEPA itself has promulgated. Due process requires that “a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform.” *Wisconsin Res. Prot. Council v. Flambeau Mining Co.*, 727 F.3d 700, 708 (7th Cir. 2013). An agency therefore may not explicitly permit conduct with one hand, but take summary action to bar that same conduct with the other. A regulator may not “use a citation or other punishment as the initial means for announcing a particular” rule. *Gen. Elec. Co. v. U.S. E.P.A.*, 53 F.3d 1324, 1329 (D.C. Cir. 1995).

In *Flambeau*, the Seventh Circuit considered factual circumstances highly similar to this case. There, the Wisconsin Department of Natural Resources, which administers the Clean Water Act, issued a permit for a mine to emit copper, with which the mine complied. *Id.* at 703-04. The mine was then sued for emitting copper on the theory that its permit was invalid. *Id.* at 706-07. The Seventh Circuit dismissed the action, writing, “Plaintiffs fault [the mine] for doing what its CWA administrator and Wisconsin law authorize it to do. This is impermissible.” *Id.* at 710. The mine “was told by the WDNR that its mining permit” authorized its emissions. *Id.* at 711.

“Under these circumstances, where the permitting authority issues a facially valid ... permit and the permit holder lacks notice of the permit’s (potential) invalidity,” the permit holder may not be deprived of its property. *Id.* “To hold otherwise would be inconsistent with the requirements of due process.” *Id.*

Just so here. Sterigenics’ EO emissions are well under the maximum authorized by its *IEPA-issued permit*. (Dkt. 6-1 ¶¶ 15–17; Dkt. 54 ¶ 14.) Moreover, despite continuous communications with Sterigenics, IEPA *never* indicated that Sterigenics’ expressly authorized emissions now somehow warranted a Seal Order. Indeed, even though the Attorney General had initiated a lawsuit against Sterigenics at IEPA’s request, the State never sought any form of emergency injunctive relief. (Dkt. 54 ¶¶ 22, 32.) The Seal Order thus pulls the rug from under Sterigenics’ feet. No entity “acting in good faith” could possibly predict “with ascertainable certainty” that it was *forbidden* to emit an amount of EO that was much *less* than what IEPA has *explicitly blessed* for years. *Flambeau*, 727 F.3d at 708. Sterigenics is being punished “for doing what its ... administrator and [Illinois] law authorize it to do. This is impermissible.” *Id.* at 710.

Numerous courts have forbidden regulation by ambush. The Supreme Court has “long warned” against the “unfair surprise” that results when agencies fail to “provide regulated parties fair warning of the conduct a regulation prohibits or requires.” *Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 156 (2012) (citation omitted). The D.C. Circuit has found that it is a due process violation to, “in effect, punish a member of the regulated class for reasonably interpreting [regulators’] rules.” *General Elec. Co. v. U.S. E.P.A.*, 53 F.3d 1324, 1330 (D.C. Cir. 1995) (quoting *Satellite Broadcasting Co. v. FCC*, 824 F.2d 1, 4 (D.C. Cir. 1987)); *see also id.* at 1329-30 (collecting cases). The problem is particularly acute where, as here, “[n]ot only do the regulations fail clearly to bar [the challenged conduct], they apparently *permit it*.” *Id.* at 1331

(emphasis added); *see also United States v. Cinergy Corp.*, 623 F.3d 455, 459 (7th Cir. 2010) (where conduct was “authorized by a state implementation plan that the EPA had approved,” agency may not penalize plant for failing to comply with a different standard). This Court has held that a regulator “cannot enforce unforeseen interpretations of [its regulations]..., and is particularly forbidden from doing so for the first time in the course of a[n] [enforcement action]. The regulated public must be informed *in advance* of the rules of the game.” *United States v. Am. Nat’l. Can Co.*, 126 F. Supp. 2d 521, 530 (N.D. Ill. 2000) (emphasis added).

In addition to failing to notify Sterigenics *in advance* of the Seal Order of what was required to comply with the law, Defendants *continue to refuse* to give such notice. Despite repeated requests, Defendants have not identified what *measures* Sterigenics can take that will lead to the lifting of the Seal Order.<sup>3</sup> (Dkt. 54 ¶ 33; Dkt. 54-1.) Defendants argue that they have no constitutional obligation to provide “instructions regarding the conditions necessary ... [to] lift the Seal Order.” (Dkt. 65 at 11.) But this is *precisely* what due process requires: Regulators must “give[] fair warning of what conduct is prohibited or required.” *Flambeau*, 727 F.3d at 707.

Contrary to Defendants’ contention, it is no relief that the Seal Order will remain in place “until measures are in place to prevent emissions of EO that contribute to ambient levels of ethylene oxide which present a public health hazard to residents and off-site workers in the Willowbrook community.” (Dkt. 65 at 10.) Defendants refuse to provide what specific level of EO presents a public health hazard, what level they would deem safe, or how Sterigenics could ensure lifting of the Seal Order. Sterigenics’ EO emissions are less than *one-eighth* of the

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<sup>3</sup> Defendants argue that Sterigenics has “improperly put settlement communications protected by Federal Rule of Evidence 408 in Count II. (Dkt. 65 at 12.) But Rule 408 bars admission of evidence of attempts to “compromise” or statements made during “compromise negotiations.” Fed. R. Evid. 408. Sterigenics’ allegation is more fundamental—a regulator has failed to *even give notice* to the regulated entity of what, in the regulator’s view, *the law requires*. The Committee Notes to the 2006 Amendment of Rule 408 explicitly allow evidence “offered to prove notice”—here, a lack of it.

amount authorized under the still-in-effect CAAPP permit. (Dkt. 54 ¶ 14.) Defendants demand that Sterigenics comply with an unknown and unknowable standard.

**C. The Postdeprivation Process Afforded Sterigenics Is Not Adequate.**

Defendants argue that postdeprivation procedures are sufficient to satisfy due process here. (Dkt. 65 at 10-11.) But postdeprivation process is adequate only when there is a “necessity” for “prompt action.” *Logan*, 455 U.S. at 436. As Sterigenics alleges, that is not the situation here.

Even if some form of postdeprivation process could be sufficient here—and it cannot—the statutorily-prescribed options fall short. Illinois’s statute permits Sterigenics to challenge the Seal Order either in court or before a state administrative board. *See* 415 ILCS 5/34(d). As to the former, the Supreme Court has held that such a “suit is apt to be a lengthy and speculative process” that “will never make the complainant entirely whole.” *Logan*, 455 U.S. at 436-37. If Sterigenics were forced to challenge the Seal Order in court, the Willowbrook facility would remain closed for the length of the litigation, and Sterigenics would never be made completely whole. Proceedings before an administrative board could be even worse. Defendants’ counsel has said that they do not know how long such proceedings take, as they have never been used before. (Dkt. 51-1 at 68:4-10.) Nor could an administrative board fully compensate Sterigenics for a lengthy closure of the Willowbrook facility. Thus, either option would be “lengthy and speculative,” and neither would undo Sterigenics’ losses along the way.

Section 34 stands in stark contrast to Section 303 of the Clean Air Act (“CAA”). (Dkt. 51 at 8-9.) Section 303 provides USEPA with emergency powers to “issue such orders as may be necessary to protect public health or welfare or the environment,” but those orders “shall remain in effect for a period of not more than 60 days,” unless the Administrator brings suit. 42 U.S.C. § 7603. Then, the order is extended an additional 14 days or “for such longer period as may be authorized by the court.” *Id.* Thus, Section 303 ensures that an improper action will terminate

unless USEPA can justify itself. Section 34(b), in contrast, provides no end date; the Seal Order is permanent unless “rescinded” by IEPA.<sup>4</sup> Although Defendants are correct that “the Clean Air Act does not define what is constitutionally required” (Dkt. 65 at 11 n.9.), comparison to Section 303 demonstrates the deficiencies in the process afforded to Sterigenics under Section 34(b).

## **II. IEPA’s Actions Are Not Shielded From Federal Review.**

### **A. *Younger* Abstention Does Not Apply Here.**

Defendants contend that the Court should abstain from this case (Dkt. 65 at 14-15) under *Younger v. Harris*, 401 U.S. 37 (1971). But *Younger* only applies where there are “pending state court proceedings.” *Id.* at 41. The Supreme Court has “never applied the notions of comity so critical to *Younger*’s ‘Our Federalism’ when no state proceeding was pending.” *Ankenbrandt v. Richards*, 504 U.S. 689, 705 (1992). Thus, *Younger* abstention does not apply.

Defendants assert that the Seal Order “is a state administrative enforcement proceeding” that “is ongoing because under Section 34(d) Plaintiff may seek review of the Seal Order.” (Dkt. 65 at 15.) This Court has rejected precisely this argument. In *Bolton v. Bryant*, 71 F. Supp. 3d 802 (N.D. Ill. 2014), Illinois denied the plaintiff’s application for a gun license. *Id.* at 807-08. The plaintiff believed that this denial was without due process, and although Illinois law allowed him to appeal the denial in state court, he filed a federal suit. *Id.* The court declined to abstain under *Younger* because, even though a state-court appeal was available, there was “no ongoing state proceeding.” *Id.* at 813. The court held that “[t]he mere fact that a case *could* be heard in state court is insufficient to justify *Younger* abstention.” *Id.* (emphasis in original) (quoting *Village of DePue, Ill. v. Exxon Mobil Corp.*, 537 F.3d 775, 783 (7th Cir. 2008)). Other courts have likewise consistently held that a state’s mandate, without more, does not constitute a

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<sup>4</sup> The Seal Order provides no details regarding the standard for its rescission.

pending proceeding under *Younger*. See *Vill. of DePue*, 537 F.3d at 784 (“Consent Order ... [not] the sort of pending state proceeding [that could] implicate the constraints of the *Younger* doctrine”); *Guiney v. Roache*, 833 F.2d 1079, 1085 (1st Cir. 1987) (police department order was not a “proceeding,” and “[t]hus *Younger* [has] no application here”).

Defendants’ cases do not say anything different. Defendants’ lead case, purportedly showing that “the Seal Order ... is a state administrative enforcement proceeding” actually shows the opposite. (Dkt. 65 at 15.) The Supreme Court in *Sprint Commc’ns, Inc. v. Jacobs*, 571 U.S. 69 (2013), ruled that a state regulator’s order requiring a telecommunications provider to pay certain fees “d[id] not trigger *Younger* abstention.” *Id.* at 79. The regulator’s order was not “akin to a criminal prosecution”—as *Younger* requires—because it did not involve “the filing of a formal complaint or charges.” *Id.* at 80. This was true despite the fact that the order could have been—in fact, *had been*—challenged in state court. *Id.* at 72.<sup>5</sup>

**B. *Ex Parte Young* Authorizes Sterigenics To Sue Kim.**

Defendants contend that Sterigenics’ suit against Kim falls outside the exception to state sovereign immunity established by *Ex parte Young*, 209 U.S. 123 (1908). This is incorrect. Under *Ex parte Young*, a plaintiff may sue a state official in his official capacity to enjoin him from violating federal law.<sup>6</sup> *Id.* at 159-60. The test is obviously met here. Sterigenics alleges that the Seal Order, signed by Kim, violates its federal due process rights. (Dkt. 54 at ¶¶ 38-57.) The violation is ongoing because the order has not been lifted—the Willowbrook facility remains

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<sup>5</sup> Defendants’ other cases serve them no better. They all involved actual state *proceedings*—ongoing actions resembling formal adjudication. See *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 426 (1982) (“a complaint is issued” and “a formal hearing ... is held”); *Grason v. Burwell*, 659 F. App’x 899, 900-01 (7th Cir. 2016) (agency “charged” and ALJ decided case “on the written record”); *Majors v. Engelbrecht*, 149 F.3d 709, 711 (7th Cir. 1998) (suspension allowed “only after notice and a hearing”); *Maymo-Melendez v. Alvarez-Ramirez*, 364 F.3d 27, 29 (1st Cir. 2004) (same).

<sup>6</sup> Sterigenics does not oppose removing IEPA as a party while continuing to proceed against Kim in his official capacity.



closed.

Defendants argue that *Ex parte Young* is inapplicable because Sterigenics supposedly alleges only a past harm—the denial of a predeprivation hearing. (Dkt. 65 at 14.) That is patently incorrect. For one thing, Sterigenics alleges both a failure to provide a predeprivation hearing and a failure to provide adequate postdeprivation process. Moreover, the Seal Order remains in effect—and the Court has power to enjoin enforcement of the Order until Sterigenics can be afforded adequate, predeprivation process.<sup>7</sup>

**C. Pennhurst Does Not Bar Review Of Count III.**

Count III of Sterigenics’ Amended Complaint details the ways in which Defendants have disregarded the requirements of Section 34(b). (Dkt. 54 ¶¶ 58-63.) Defendants argue that *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89 (1984), bars this court from reviewing Defendants’ violations of that provision, because it is state law. (Dkt. 65 at 13.) By operation of the federal Clean Air Act, however, Count III asserts a violation of *federal law*.

As Defendants acknowledge, Section 34(b) is part of Illinois’ State Implementation Plan (“SIP”), which the CAA required Illinois to submit to USEPA for approval. (See Dkt. 65 at 12-13; see also 42 U.S.C. § 7407(a).) The Seventh Circuit has held that “[o]nce it is approved by EPA, a state rule embodied in a SIP becomes enforceable *federal law*.” *Indiana v. E.P.A.*, 796 F.3d 803, 806 (7th Cir. 2015) (emphasis added).<sup>8</sup> Thus, Sterigenics’ request that this Court enjoin Defendants from ignoring the requirements of Section 34(b) in regulating EO is a request

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<sup>7</sup> The one case Defendants cite, *Sonnleitner v. York*, 304 F.3d 704 (7th Cir. 2002), does not support them. (See Dkt. 65 at 15.) There, the plaintiff challenged a lack of predeprivation process before his demotion, but under state law he was ineligible for reinstatement. *Id.* at 709-10. The Seventh Circuit accordingly held that it could offer him no substantive remedy. *Id.* at 718. Here, by contrast, nothing prevents this Court from enjoining enforcement of the Seal Order to permit Sterigenics to obtain predeprivation process.

<sup>8</sup> See also *People v. Celotex Corp.*, 516 F. Supp. 716, 717 (C.D. Ill. 1981) (similar); *United States v. Congoleum Corp.*, 635 F. Supp. 174, 177 (E.D. Pa. 1986) (similar)

that the Court force IEPA to follow *federal*, not state, law.

Contrary to Defendants' argument (Dkt. 65 at 13), Judge Lee's recent order in a related proceeding *supports*, rather than undermines, Sterigenics' argument. There Judge Lee explained that federal jurisdiction would exist "if the State were suing [Sterigenics] for failing to meet its CAAPP permit obligations, and thus, national air quality standards." *People v. Sterigenics U.S., LLC*, No. 18-cv-8010 (U.S. Dist. Ct., N.D. Ill.) (Dkt. 48 at 9). But, Judge Lee said, that was "not the basis of the State's claims" in that lawsuit, which instead dealt with "state laws and standards outside the context of the CAA." (*Id.* at 10.) Here, by contrast, Defendants *do* argue that Sterigenics' emissions—although well below expressly authorized limits—are nonetheless in violation of the CAAPP permit issued to Sterigenics under the CAA, because Sterigenics' emissions supposedly violate a provision of Illinois law that has been incorporated into the CAAPP permit. (Dkt. 24 at 11-12.) Moreover, Defendants emphasize that Section 34(b) is *specifically mandated* by the CAA, and—unlike the "state laws and standards" at issue in the case before Judge Lee—*USEPA may bring suit* against Sterigenics if the state fails to act under Section 34(b). (*Id.*) Under Judge Lee's reasoning, Count III alleges a violation of federal law.

Even if Count III were somehow treated as raising state law issues alone—which it does not—*Pennhurst itself* authorizes the relief Sterigenics seeks: where a state acts in complete disregard for its own laws, that too constitutes a federal due process violation. 465 U.S. at 94, 125. Sterigenics' Count III describes why IEPA's actions bear "no reasonable relation" to the requirements of Section 34(b). Thus, even if Section 34(b) raised purely state law issues, Sterigenics' claim is rooted in *federal* due process, not state law.

### CONCLUSION

For the foregoing reasons, the motion to dismiss should be denied.

Date: April 1, 2018

Respectfully submitted,

By: /s/ Gerard D. Kelly

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2018, I electronically filed the foregoing document with the clerk of the court for the Northern District of Illinois, Eastern Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of E-Filing” to the attorneys of record in this case.

/s/ Stephanie C. Stern  
One of the attorneys for Defendant



**II. Plaintiff's disagreement with the reasons cited in the Seal Order does not give rise to a procedural due process claim.**

The Supreme Court's decision in *Hodel v. Virginia Surface Mining and Reclamation Association, Inc.*, 452 U.S. 264, 302 (1981), establishes that in considering a procedural due process claim based on cessation orders like the Seal Order, "[t]he relevant inquiry is not whether a cessation order should have been issued in a particular case, but whether the statutory procedure itself is incapable of affording due process." And yet, the crux of Plaintiff's response to the motion to dismiss is that the Seal Order should not have been issued because "*there is no emergency*" sufficient to justify the issuance of the Seal Order. (Dkt. 72 at 1 (emphasis in original); *see also id.* at 3-8.) Plaintiff's argument improperly invites this Court to undertake a misguided inquiry into the merits of the Seal Order—i.e., whether there is, in fact, an emergency arising from Plaintiff's ethylene oxide emissions. Even if Plaintiff were to show that an emergency does not in fact exist, that would not establish a due process violation. *See Hodel*, 452 U.S. at 302; *Simmons v. Gillespie*, 712 F.3d 1041, 1044 (7th Cir. 2013) ("[T]he federal entitlement is to process, not to a favorable outcome.").

Tellingly, Plaintiff's position is directly contradicted by three of the five cases that Plaintiff itself cites on this point. (Dkt. 72 at 6-7 (citing *Catanzaro v. Weiden*, 188 F.3d 56, 63 (2d Cir. 1999); *RBIII, L.P. v. City of San Antonio*, 713 F.3d 840, 847 (5th Cir. 2013); *Elsmere Park Club, L.P. v. Town of Elsmere*, 542 F.3d 412, 418 (3d Cir. 2008).) Plaintiff's remaining two cases, unlike *Hodel*, do not involve environmental regulators seeking to address threats to the environment, public health, and safety; instead, they deal with municipal officials resorting to summary action in bad faith or with no discernible justification. (Dkt. 72 at 6-7 (citing *Simpson v. Brown Cnty.*, 860 F.3d 1001 (7th Cir. 2017); *Armendariz v. Penman*, 31 F.3d 860 (9th Cir. 1994), *vacated in part on other grounds*, 75 F.3d 1311 (9th Cir. 1996) (en banc).) Under the standard articulated in

*Hodel*, which is directly applicable and controlling precedent, Plaintiff's procedural due process claims fail because Section 34(d) of the Act, 415 ILCS 5/34(d), provides it with adequate post-deprivation procedures for challenging the Seal Order.<sup>1</sup>

**A. Plaintiff's own cases undermine its attempt to litigate the validity of the Seal Order through a procedural due process claim in federal court.**

In the very cases Plaintiff cites (*see* Dkt. 72 at 6-7), the Second, Third, and Fifth Circuits have each rejected Plaintiff's argument that due process requires a federal court to reconsider the merits of every determination by a governmental agency that a public health or environmental emergency exists. Each of these cases makes clear that a governmental agency's decision that an imminent threat to the public's health and welfare necessitates immediate action followed by a post-deprivation hearing is entitled to deference, and will only be reviewed for arbitrariness or abuse of discretion. The Court need only review the face of the Seal Order to conclude that Defendants did not act arbitrarily or abuse their discretion in issuing the Seal Order. Counts I and II should therefore be dismissed.

The Second Circuit's decision in *Catanzaro*, 188 F.3d at 62-63, which Plaintiff cites, makes clear why Defendants' decision-making is entitled to deference. *Catanzaro* relied upon *Hodel* to reject a challenge to a municipality's demolition of a building—a final, irreversible deprivation—without any pre-deprivation notice or hearing after a car crashed into it. There, as here, the plaintiff contended that there was no emergency sufficient to rely on the type of post-deprivation process upheld in *Hodel*. *Catanzaro*, 188 F.3d at 59. But the Second Circuit declined the plaintiff's invitation to independently assess whether the building was truly at imminent risk of collapse.

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<sup>1</sup> Plaintiff implies (*see* Dkt. 72 at 5) that an emergency is a necessary precondition for a governmental agency to eschew a pre-deprivation hearing. That is not the law. If it were, it would be impossible for a city to tow an illegally parked car without first resorting to a hearing. *See Sutton v. City of Milwaukee*, 672 F.2d 644, 648 (7th Cir. 1982) (holding that towing of illegally parked cars without pre-deprivation notice or a hearing did not violate the car owners' procedural due process rights).

*Catanzaro* held that “[t]he law should not discourage officials from taking prompt action to insure the public safety,” and courts should not “encourage delay and thereby potentially increase the public’s exposure to dangerous conditions” by “subjecting a decision to invoke an emergency procedure to an exacting hindsight analysis . . . .” *Id.* at 63. Based on that rationale, the Second Circuit concluded that the government’s finding that an emergency existed deserved deference and would only be constitutionally problematic if it were “arbitrary” or “an abuse of discretion.” *Id.*

The Third and Fifth Circuits have each adopted *Catanzaro*’s principle of deference in *Elsmere* and *RBIII*, respectively, both of which Plaintiff cites. (Dkt. 71 at 7.) *Elsmere* involved a municipality’s condemnation of apartments, with no pre-deprivation notice or hearing, after an inspection found mold and raw sewage and a state toxicologist concluded that the conditions posed a serious threat to the health of residents. 542 F.3d at 415, 418-20. Relying on *Catanzaro* and applying an abuse of discretion standard, the Third Circuit deferred to the municipality’s finding that immediate condemnation without a pre-deprivation hearing was warranted. *Id.* at 418-20. The court further concluded that the plaintiff could not assert a procedural due process claim because it had not made use of the post-deprivation review process available to it under the municipality’s ordinances. *Id.* at 422-24 (citing *Alvin v. Suzuki*, 2277 F.3d 107, 116 (3d Cir. 2000) (“In order to state a claim for failure to provide due process, a plaintiff must have taken advantage of the processes that are available to him or her, unless those processes are unavailable or patently inadequate.”); see also *Tucker v. City of Chicago*, 907 F.3d 487, 492 (7th Cir. 2018) (“[A] plaintiff who foregoes her right to pursue post-deprivation remedies available under state law faces a high hurdle in establishing a due process violation.”).

In *RBIII*, 713 F.3d at 847-48, the Fifth Circuit vacated a judgment following a jury trial in a case involving an emergency demolition of a structure found by municipal inspectors to be at



risk of collapsing. There, too, the Fifth Circuit found that it was “improper[.]” to reconsider whether the structure “posed an immediate danger to the public,” and that there would be no procedural due process violation unless the government’s emergency invocation was arbitrary or an abuse of discretion. *Id.* at 847-48.

Applying the principle of deference from Plaintiff’s own cases, it is clear that Plaintiff’s procedural due process claims fail as a matter of law. On its face, the Seal Order is not arbitrary or an abuse of discretion.<sup>2</sup> The Seal Order lays out in specific detail that testing by the United States Environmental Protection Agency (“USEPA”), analysis performed by the Agency for Toxic Substances and Disease Registry (“ATSDR”), and additional testing performed by experts retained by the Village of Willowbrook led the Illinois Environmental Protection Agency (“IEPA”) to conclude that Plaintiff’s emission of ethylene oxide, a known carcinogen, “creates an imminent and substantial endangerment to public health or welfare.” (Dkt. 48-2 ¶¶ 1-19.) The Seal Order specifically points to ATSDR’s conclusion that, if the ethylene oxide levels of 2.1 µg/m<sup>3</sup> in residential areas and 9.1 µg/m<sup>3</sup> in commercial areas that USEPA measured in Willowbrook were correct and sustained, “an elevated cancer risk exists for residents . . . and off-site workers in the Willowbrook community surrounding the Sterigenics facility.” (*Id.* ¶¶ 11-13.) As the Seal Order further noted, the ATSDR also found that “[t]hese elevated cancer risks present a public health hazard to these populations[.]” (*Id.* ¶ 12.) Then, as the Seal Order further noted, air testing that occurred after ATSDR’s analysis, from November 2018 through February 2019, “consistently

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<sup>2</sup> Curiously, Plaintiff did not attach the Seal Order to the first amended complaint, though Plaintiff has attached the Seal Order to other pleadings in this case. (See Dkt. 48-2.) Seventh Circuit precedent confirms, however, that the Court can and should consider the contents of the Seal Order in assessing Plaintiff’s procedural due process claims on a motion to dismiss. See *Simpson*, 860 F.3d at 1004 n.1 (considering license revocation that, although not attached to the complaint, was the basis of the plaintiff’s procedural due process claim).

found outdoor ambient levels of ethylene oxide in commercial and residential areas as high or higher than the levels used by ATSDR.” (*Id.* ¶ 14.)

Of course, Plaintiff cherry-picks incomplete excerpts of comments from USEPA and ATSDR officials about what conclusions to draw from these air sampling results. (Dkt. 72 at 3-4.) But it was not arbitrary or an abuse of discretion for Defendants, as state environmental regulators with independent jurisdiction, to look at these escalating levels of ethylene oxide—levels above and beyond what ATSDR had already found to be “a public health hazard”—and conclude that Plaintiff’s ethylene oxide emissions were a sufficiently urgent threat to the public’s health and welfare to take summary action through the Seal Order.<sup>3</sup> Consistent with *Hodel*, if Plaintiff thinks that decision is erroneous, it may seek post-deprivation relief through the procedures in Section 34(d) of the Act, but not through a procedural due process claim in federal court. Plaintiff’s

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<sup>3</sup> Events subsequent to the issuance of the Seal Order have only confirmed that Defendants were not arbitrary or abusing their discretion in concluding that Plaintiff’s ethylene oxide emissions were causing “an imminent and substantial endangerment to the public health or welfare” in Willowbrook. 415 ILCS 5/34(b)(2). Although the first amended complaint obliquely references USEPA air monitoring results published on March 7, 2019 (Dkt. 54 ¶ 31), it fails to mention that those results showed the highest levels of ethylene oxide ever recorded by USEPA near Plaintiff’s Willowbrook facility in the weeks preceding the issuance of the Seal Order on February 15, 2019. *See* USEPA, March 7, 2019 Webinar Presentation, *EtO Concentrations: January 22-February 11*, at slide 11 (“February 5, 2019 – 24-hour average EtO Concentrations ( $\mu\text{g}/\text{m}^3$ )”), available at: [https://www.epa.gov/sites/production/files/2019-03/documents/willowbrook\\_eto\\_webinar\\_slides\\_for\\_early\\_march\\_webinar.pdf](https://www.epa.gov/sites/production/files/2019-03/documents/willowbrook_eto_webinar_slides_for_early_march_webinar.pdf) (last visited April 5, 2019); *see also* USEPA, Willowbrook, IL Ethylene Oxide Concentrations in Outdoor Air [ $\mu\text{g}/\text{m}^3$ ] – 24 Hour Samples, available at [https://www.epa.gov/sites/production/files/2019-03/documents/copy\\_of\\_031519\\_willowbrook\\_eto\\_master\\_data\\_table\\_for\\_web.pdf](https://www.epa.gov/sites/production/files/2019-03/documents/copy_of_031519_willowbrook_eto_master_data_table_for_web.pdf) (last visited April 5, 2019). Additional air testing results published by USEPA on March 21, 2019 showed immediate reductions of 50% to 90% in ethylene oxide levels near Plaintiff’s facility in the days after the Seal Order halted Plaintiff’s ethylene oxide emissions. *See* USEPA, March 21, 2019 Webinar Presentation, *Update on EPA Ethylene Oxide Monitoring Data: Willowbrook, IL*, at slide 6 (“Average EtO Concentrations ( $\mu\text{g}/\text{m}^3$ ) – November 13 to February 26, 2019: Facility Operating/Facility Closed (samples post Feb 15)”), available at [https://www.epa.gov/sites/production/files/2019-03/documents/willowbrook\\_eto\\_webinar\\_slides\\_for\\_mid\\_march\\_webinar.pdf](https://www.epa.gov/sites/production/files/2019-03/documents/willowbrook_eto_webinar_slides_for_mid_march_webinar.pdf) (last visited April 5, 2019). In addition, on March 30, 2019, the Illinois Department of Public Health (“IDPH”) released a study finding elevated levels of multiple types of cancer near Plaintiff’s facility. *See* IDPH, *Cancer Incidence Assessment near Sterigenics in Willowbrook, IL, 1995-2015* (Mar. 29, 2019), at 3-4, available at <http://dph.illinois.gov/sites/default/files/publications/sterigenicswillowbrookcancer-investigation-final.pdf> (last visited April 5, 2019).

hypothetical concern (*see* Dkt. 72 at 11-12) about the speed of post-deprivation proceedings under Section 34(d) of the Act must also be rejected, because, to quote the Seventh Circuit, “[t]he due process clause does not permit a litigant to disdain his opportunities under state law and then demand that the federal judiciary supply a remedy.” *Simmons*, 712 F.3d at 1044. Plaintiff’s concern about timing rings particularly hollow given that Section 34(d) of the Act unambiguously gives it the right to seek “*immediate* injunctive relief.” 415 ILCS 5/34(d) (emphasis added). Having failed to challenge the Seal Order through the process provided under state law, Plaintiff cannot overcome the “high hurdle” necessary to establish a violation of its right to procedural due process. *Tucker*, 907 F.3d at 492.

**B. Unlike *Simpson* and *Armendariz*, which are the foundation of Plaintiff’s argument, this case does not involve government officials resorting to summary action in bad faith or with no discernible justification.**

Plaintiff wants this Court to focus on readily distinguishable cases from non-environmental contexts in which government officials took summary action based on outright lies or with no discernible justification. (*See* Dkt. 72 at 5-7.) The face of Plaintiff’s first amended complaint gives no indication—nor could it—that that is what happened here. What the first amended complaint does indicate, however, is that this case presents exactly the type of situation in which *Hodel* authorized use of post-deprivation review of swift government action to protect public health and the environment. Based on *Hodel*, Counts I and II should be dismissed.

The Seventh Circuit’s decision in *Simpson*, 860 F.3d 1001, which Plaintiff heavily relies upon (Dkt. 72 at 5-6), does nothing to alter the fact that *Hodel* dooms its procedural due process claims. *Simpson* involved county officials revoking a license to install septic tanks in a county of 15,000 people. *Id.* at 1003. The letter revoking the plaintiff’s license cited no factual basis for the revocation—only undisclosed “findings” by “our Health Board members”—and “did not inform [the plaintiff] of any law or regulation he had violated” or “identify any opportunities for

administrative or judicial review.” *Id.* at 1004. The county ordinance governing the revocation had a vague, circular standard—“inability or unwillingness to comply with these rules and requirements”—and no post-deprivation remedy. *Id.* at 1004, 1009, 1013.

By contrast, this case involves a statute passed by the Illinois General Assembly with an express post-deprivation procedure that allows a party to choose between a hearing before the IPCB or the opportunity to seek “immediate injunctive relief” in a court of proper jurisdiction, 415 ILCS 5/34(d). The relevant standard in Section 34(b) of the Act, “imminent and substantial endangerment to the public health or welfare or the environment,” *id.* § 34(b)(2), employs the same language as the federal Clean Air Act, 42 U.S.C. § 7603, and does not suffer from the vagueness that made the county ordinance in *Simpson* problematic. *Cf.* 860 F.3d at 1009. Additionally, unlike the ordinance in *Simpson*, the statute in this case directly parallels *Hodel* in both the nature of the government action being challenged—cessation orders by environmental regulators targeting activities that threaten the public’s health and welfare—and the process for bringing such a challenge—a post-deprivation adjudicatory hearing. 452 U.S. at 298-99. And *Simpson*, of course, does not question *Hodel*’s holding that summary action taken in error is categorically insufficient to establish a due process violation. *See* 452 U.S. at 302. Simply put, the fact that *Simpson* is the best case Plaintiff can find confirms that its attempt to get around *Hodel* should be rejected.

The Ninth Circuit decision Plaintiff cites, *Armendariz*, 31 F.3d 860, is also nothing like this case. The plaintiffs in *Armendariz* alleged that municipal officials knowingly lied about emergency conditions in blighted public housing projects, so that the officials could evict residents with no pre-deprivation hearing and transfer the underlying land to a property developer. *Id.* at 864-66. Plaintiff in this case has not alleged—nor could it—that Defendants were lying to conceal some ulterior motive when they issued the Seal Order. Once again, *Hodel*, not *Armendariz*,

controls the outcome of this case and demonstrates that the issuance of the Seal Order did not violate Plaintiff's right to procedural due process.<sup>4</sup>

### **III. Plaintiff had notice of the standards with which it needed to comply.**

There is also no merit to Plaintiff's contention that the issuance of the Seal Order violates procedural due process because Plaintiff claims to emit less ethylene oxide than what its permit from IEPA allows. (Dkt. 72 at 8-9.) As an initial matter, Plaintiff's purported compliance with the emission levels in its permit is irrelevant to whether Defendants had the right to issue the Seal Order under Section 34(b) of the Act. Plaintiff knows full well that its compliance with its permit does not relieve it of the obligation to comply with other state laws, including Section 34(b) of the Act.

The cases upon which Plaintiff relies do not support its argument that an alleged lack of notice of applicable regulatory standards violated its right to procedural due process. None of Plaintiff's cases deal with an environmental regulatory agency using emergency powers to address an imminent threat to the public's health and welfare. *Cf. Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 150-53 (2012) (pharmaceutical sales representatives alleging non-compliance with federal wage and hour regulations); *Wisconsin Resources Protection Council v. Flambeau Mining Co.*, 727 F.3d 700, 705, 710 (7th Cir. 2013) (citizen-suit attacking the validity of a Clean Water Act permit); *United States v. Cinergy Corp.*, 623 F.3d 455, 456, 458 (7th Cir.

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<sup>4</sup> Plaintiff implies that *Hodel* is not controlling because it was a facial challenge and asserts that Judge Kennelly misunderstood it to be an as-applied challenge. (Dkt. 72 at 7-8.) This distinction does nothing for Plaintiff. Plaintiff's cases addressing procedural due process apply *Hodel* to as-applied challenges (*Id.* at 5-8), and as noted, *Catanzaro*, *Elsmere*, and *RBIII* each apply *Hodel* in a manner contrary to Plaintiff's position. In any event, although Plaintiff will not say it, Plaintiff is asserting a facial challenge by contending that the post-deprivation procedures under Section 34(d) of the Act are constitutionally insufficient because they differ from the federal Clean Air Act. (Dkt. 72 at 11-12.) Of course, the Clean Air Act does not set the standard for constitutional due process, as Plaintiff acknowledges (*Id.* at 12), and Plaintiff's facial challenge has no basis in case law.

2010) (dispute over whether modifications to coal-fired electric power plants required a Clean Air Act permit); *General Electric Co. v. United States Environmental Protection Agency*, 53 F.3d 1324, 1325 (D.C. Cir. 1995) (judicial review of an administrative enforcement action resulting in a \$25,000 penalty based on a disagreement about the meaning of an ambiguous regulation); *United States v. American National Can Co.*, 126 F. Supp. 2d 521, 522 (N.D. Ill. 2000) (dispute over whether unauthorized scavenging in vacant building containing asbestos was a “renovation” for purposes of Clean Air Act regulations). Indeed, *Hodel* could never have been decided the way it was if Plaintiff’s argument were correct. No environmental regulator could ever take the type of summary action that *Hodel* expressly authorized if, as Plaintiff contends, due process requires advance notice in all circumstances, including emergencies. *See* 452 U.S. at 298 (statute authorized summary issuance of cessation orders in response to an activity that “creates an immediate danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources”). Plaintiff’s contention that the Seal Order required advance notice fails as a matter of law.

Plaintiff’s additional argument that it has not been informed of how it must alter its own equipment and operations to stop endangering the public health and welfare is equally unavailing. (Dkt. 72 at 10-11). The Seal Order provides that it will remain in effect “until measures are in place to prevent emissions of ethylene oxide that contribute to ambient levels of ethylene oxide which present a public health hazard to residents and off-site workers in the Willowbrook community.” (Dkt. 48-2 ¶ 19.) Plaintiff is also aware that Defendants have identified “measures” Plaintiff can take that will lead to the lifting of the Seal Order, albeit in confidential, inadmissible settlement negotiations. (Dkt. 71 at 2.) Plaintiff’s claim based on an alleged lack of post-deprivation notice therefore fails.

**IV. Plaintiff's claims are barred by the Eleventh Amendment and abstention principles.**

For the reasons articulated in Defendants' motion to dismiss, the entirety of Plaintiff's complaint is barred by the Eleventh Amendment and, alternatively, the abstention doctrine in *Younger v. Harris*, 401 U.S. 37 (1971). (Dkt. 65 at 13-15.) As a threshold matter, this Court should dismiss all claims against IEPA because Plaintiff agrees that it is not a proper party to this action. (Dkt. 72 at 13 n.6.) On the claims against Acting Director Kim, Plaintiff provides no convincing reason for this Court to exercise federal jurisdiction. Instead, it relies on incorrect and contradictory theories in its attempt to shoehorn questions of state law into federal causes of action. This approach is especially problematic now that the Illinois Attorney General's enforcement action against Plaintiff has been remanded to state court, where it remains pending. There are now three avenues available to Plaintiff to pursue its claims in state forums. As such, this Court should decline Plaintiff's request to litigate retrospective matters of state law against a state official in federal court.

Although Plaintiff rightly conceded at the TRO hearing that its claim under Section 34 of the Act is a state-law claim that cannot by itself sustain federal jurisdiction (Dkt. 51-1 at 2:23-3:2), Plaintiff now attempts to paint Count III of the first amended complaint as arising under federal law because Section 34 of the Act is considered part of Illinois' State Implementation Plan ("SIP"). (Dkt. 72 at 14-15.) This argument is not correct and was recently rejected by Judge Lee. *See People ex rel. Raoul v. Sterigenics U.S., LLC*, Case No. 18-cv-8010 (U.S. Dist. Ct., N.D. Ill.) (Dkt. 48 at 13-14). Perhaps most importantly, Plaintiff disregards the fact that Section 34 of the Act, by its express terms, is an administrative tool that only IEPA, a state agency, may enforce. *See* 415 ILCS 5/34(b) ("where the Agency finds that an imminent and substantial endangerment to the public health or welfare or the environment exists, the Agency may seal . . ."). Accordingly, there is no

set of circumstances under which Section 34(b) could be employed by USEPA<sup>5</sup> or by citizens. Plaintiff's position also misconstrues the Seal Order in an attempt to avoid Judge Lee's analysis. Defendants do not contend and have never contended that the Seal Order is a violation of Plaintiff's permit from IEPA. In fact, Plaintiff cites to Defendants' argument that Plaintiff was in violation of its permit because it was violating the provisions that were in front of Judge Lee. (Dkt. 24 at 11-12.) Nevertheless, Judge Lee properly rejected the argument that those provisions implicated federal law. (Case No. 18-cv-8010, Dkt. 48 at 13-14.) Plaintiff's claim under Section 34(b) of the Act arises under state law and is thus barred by *Pennhurst State School and Hospital v. Halderman*, 451 U.S. 1 (1981).<sup>6</sup>

Plaintiff's due process claims are also barred by the Eleventh Amendment because they seek retrospective relief against Acting Director Kim. Plaintiff disagrees, claiming that Count II alleges a present or future harm and that the violation remains ongoing so long as the Seal Order remains in effect. (Dkt. 72 at 14.) As outlined in the motion to dismiss, this position fails to recognize that the harm that is the basis of Plaintiff's procedural due process claim—the issuance of the Seal Order without pre-deprivation notice and an opportunity to be heard—occurred in the past. (Dkt. 65 at 14.) The fact that the Seal Order remains in effect, while Plaintiff refuses to avail itself of the state-law procedures for contesting it, does not alter the retrospective nature of Plaintiff's alleged harm. Moreover, Plaintiff does not grapple with the fact that its request for relief seeks only retrospective relief in the form of “entry of an order requiring IEPA and Kim to lift the Seal Order and to cease enforcement of same.” (Dkt. 54 at 17.) Plaintiff does not ask for access to

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<sup>5</sup> Section 303 of the Clean Air Act, 42 U.S.C. § 7603, provides USEPA with separate authority to address “imminent and substantial endangerment[s] to public health” through a federal administrative or civil action.

<sup>6</sup> Plaintiff argues that *Pennhurst* does not bar a federal due process violation “where a state acts in complete disregard for its own laws.” (Dkt. 72 at 15.) *Pennhurst* does not adopt such a position, which Judge Kennelly rightly discounted. (Dkt. 51-1 at 76:24-77:09.)



additional process, which this Court in any event would not need to order because Plaintiff already has access to additional forums for review. *See* 415 ILCS 5/34(d). At any point during the past eight weeks, Plaintiff could have sought to obtain relief on the merits before the IPCB, as a plaintiff in a state court proceeding, or now as a counter-claimant in the case recently remanded by Judge Lee. Plaintiff's apparent preference to litigate this matter in federal court cannot avoid Eleventh Amendment immunity.

Alternatively, this Court should abstain from deciding these claims under *Younger*, 401 U.S. 37. Plaintiff contends that the *Younger* abstention doctrine is inapposite because the state administrative proceedings, which took the form of the Seal Order, have concluded. Therefore, it asserts, no ongoing state proceeding remains. (Dkt. 72 at 12.) This is wrong for the reasons outlined in the motion to dismiss, as well as the fact that there is now another pending state proceeding following Judge Lee's remand order. (Dkt. 65 at 14-15.) And under Plaintiff's own theory, the concerns identified in the Seal Order—and thus those that are present in its challenge to it—could have been litigated in a state administrative proceeding or in state court. (Dkt. 54 ¶ 48; Dkt. 72 at 3.) Plaintiff cannot insist on IEPA litigating in that forum while also refusing to do so itself.

Finally, Plaintiff also incorrectly asserts that courts in this district have already rejected Defendants' *Younger* argument. (Dkt. 72 at 12.) The first case that Plaintiff cites, *Bolton v. Bryant*, 71 F. Supp. 3d 803 (N.D. Ill. 2014), involved the denial of a gun license application, which is governed by an entirely distinct administrative procedure than the civil enforcement proceeding at issue here. And even *Bolton* acknowledges that *Younger* abstention applies where the plaintiff "had already participated in state proceedings in which they could have raised their constitutional claims." *Id.* at 814. As discussed, Plaintiff is currently participating in state proceedings, and has the opportunity to raise its claims there. Plaintiff's other cases are similarly distinguishable, as one

involved a consent decree to which the federal plaintiff was not a party, *Village of DePue v. Exxon Mobil Corp.*, 537 F.3d 775, 783-84 (7th Cir. 2008), and the other involved a police personnel rule, which is not a civil enforcement proceeding, *Guiney v. Roache*, 833 F.2d 1079, 1080 (1st Cir. 1987). Thus, both the Eleventh Amendment and *Younger* abstention require dismissal.

## **V. Conclusion**

Defendants respectfully request that the Court dismiss the first amended complaint in its entirety with prejudice.

Date: April 5, 2019

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**STERIGENICS U.S., LLC,**

**Plaintiff,**

**v.**

**JOHN KIM et al.,**

**Defendants.**

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**No. 19 C 1219**

**Chief Judge Rubén Castillo**

**MEMORANDUM OPINION AND ORDER**

Sterigenics U.S., LLC (“Plaintiff”) brings this action against the Illinois Environmental Protection Agency (“IEPA”) and John Kim (“Kim”) in his capacity as acting director of IEPA (collectively, “Defendants”). (R. 54, Am. Compl. ¶¶ 1-7.) Plaintiff operates a sterilization facility in Willowbrook, Illinois, where it stores ethylene oxide, a chemical substance used to sterilize medical devices. (*Id.* ¶ 5.) Plaintiff alleges that Defendants overstepped their authority under Illinois law and deprived it of procedural due process under the U.S. Constitution when Defendants issued a “seal order” that required Plaintiff to seal all storage containers of ethylene oxide at the Willowbrook facility. (*Id.* ¶¶ 1-4, 38-63.) Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants move to dismiss Plaintiff’s lawsuit for lack of subject-matter jurisdiction and failure to state a claim. (R. 63, Mot. at 1-2.) Defendants’ motion is granted for the reasons stated below.

**BACKGROUND**

Plaintiff is a limited liability company with its principal place of business in Broadview Heights, Ohio, that provides commercial sterilization services for companies in the healthcare and food industries. (R. 54, Am. Compl. ¶ 5.) Plaintiff operates a sterilization facility in

Willowbrook that, on a typical day, sterilizes approximately 1,000 medical devices used in heart surgery, 1,000 knee implants, 1,500 surgical kits, 16,000 catheters, 11,000 syringes, thousands of diabetes monitoring and care kits, and many other medical products. (*Id.*) Plaintiff or its predecessors have operated this facility continuously since 1984, and the facility has allegedly been operating pursuant to permit number 95120085 issued by IEPA under the U.S. Environmental Protection Agency's ("EPA") Clean Air Act Permit Program. (*Id.* ¶¶ 11-12.) Plaintiff alleges that it has consistently emitted "far less ethylene oxide than its permit allows," and that it has "voluntarily improved its safety measures for ethylene oxide well beyond what the law requires." (*Id.* ¶¶ 14-15.) Plaintiff also claims that the Willowbrook facility is not currently in violation of any rules or regulations promulgated by EPA or IEPA, and that its operating permits have not been modified, terminated, or revoked. (*Id.* ¶¶ 17-18.)

On February 15, 2019, Defendants issued a seal order, which sealed "[a]ll storage containers of ethylene oxide" at Plaintiff's Willowbrook facility pursuant to 415 ILL. COMP. STAT. 5/34(b), a statutory provision in Illinois' Environmental Protection Act (the "Act") that Plaintiff claims only applies if an emergency exists or if there is imminent and substantial endangerment to the public health, welfare, or environment. (*Id.* ¶¶ 1-2.) Plaintiff alleges that, instead of seeking relief through the court system or regulatory process, "Defendants decided to bypass the court system . . . to 'sandbag' [Plaintiff]" by issuing the seal order. (*Id.* ¶ 22.) Plaintiff claims that at no point before or on the date the seal order was issued, did the IEPA or EPA represent that the Willowbrook facility's use and storage of ethylene oxide posed a safety concern or emergency. (*Id.* ¶ 23.) Plaintiff alleges that the seal order justifies itself by citing a questionable August 2018 report regarding the Willowbrook facility's ethylene oxide emissions,

and that the EPA sent letters to Illinois officials stating that the Willowbrook facility was not causing immediate harm to persons in and around Willowbrook. (*Id.* ¶¶ 25-29, 31.)

Plaintiff has allegedly attempted to reach out to IEPA to determine what measures it can take to have the seal order lifted and continue sterilization activities in Willowbrook, but Plaintiff claims that Defendants have not cooperated. (*Id.* ¶ 33.) Plaintiff alleges that the seal order has caused serious harm to Plaintiff, Plaintiff's customers, and the United States' healthcare system at large. (*Id.* ¶ 35.) According to Plaintiff, the closure of the Willowbrook facility impacts several medical device companies and "risks creating [medical] device shortages with serious adverse effects on healthcare in this country." (*Id.* ¶¶ 36-37.)

### **PROCEDURAL HISTORY**

On October 30, 2018, the state of Illinois filed a lawsuit against Plaintiff in Illinois state court. (*Id.* ¶ 19.) Plaintiff removed the case to this District where the case was assigned to U.S. District Judge John Lee. (*Id.*) Plaintiff alleges that the October 2018 lawsuit seeks the same relief as the seal order, but none of the relief in that case was pursued on an emergency basis or claimed to be necessary to resolve an "imminent and substantial endangerment" to the public health, welfare, or environment. (*Id.*) On March 11, 2019, Judge Lee remanded the October 2018 lawsuit back to state court. (18-cv-8010, R. 48, Order at 16.)

Judge Lee reasoned there was no subject-matter jurisdiction to proceed in federal court and thus rejected Plaintiff's contention that the State brought a federal cause of action sufficient to establish federal question jurisdiction. (*Id.* at 7-13.) Specifically, Judge Lee reasoned that the lawsuit did not involve a suit by the State against Plaintiff for failure to comply with the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.*, or any other federal statute that might raise a federal question, but instead was a suit to enjoin Plaintiff "*despite* its compliance with the [Clean Air

Act][.]” (*Id.* at 9-10.) As a result, Judge Lee concluded that the lawsuit was one involving only state law causes of action, and that Illinois’ state laws and regulations implementing the Clean Air Act were not claims arising under federal law that could provide a basis for subject-matter jurisdiction. (*Id.* at 10-15.)

Approximately a month before Judge Lee remanded the October 2018 action, on February 18, 2019, Plaintiff filed its initial complaint in this case, which brought a claim under 42 U.S.C. § 1983 for deprivation of its procedural due process rights under the Fifth and Fourteenth Amendments and a claim alleging that Defendants violated Section 34(b) of the Act. (R. 1, Compl. ¶¶ 24-34.) The same day Plaintiff filed its complaint, it also filed a motion for a preliminary injunction and temporary restraining order (“TRO”). (R. 5, Mot.) The motion for a TRO was heard on February 20, 2019, by U.S. District Judge Matthew Kennelly who was the designated emergency judge at the time. (R. 28, Min. Entry.)

Judge Kennelly denied Plaintiff’s motion for a TRO and reasoned that Plaintiff did not have a reasonable likelihood of success on the merits. (R. 51-1, Tr. at 74.) Judge Kennelly relied on the U.S. Supreme Court’s decision in *Hodel v. Virginia Surface Mining & Reclamation Ass’n, Inc.*, 452 U.S. 264, 298-305 (1981), in which the Supreme Court ruled that a state statute did not violate constitutional rights to due process although it allowed a state agency to order, without a hearing beforehand, a cessation of surface mining if necessary to protect public health or safety so long as a hearing or process occurred after the issuance of the cessation order. (*Id.* at 74-76.) Judge Kennelly reasoned further that the controlling inquiry was whether Section 34(b) of the Act is incapable of providing due process and not whether Defendants had authority under the Act to issue the seal order. (*Id.* 75-76.) Judge Kennelly concluded that because the Act provides for due process after Defendants issued the seal order, Plaintiff has little chance of succeeding on

the merits of its due process claims. (*Id.*) Judge Kennelly also found that Plaintiff's lawsuit did not have a reasonable likelihood of success on the merits because it essentially asks a federal court to order a state official to comply with state law and therefore is likely barred by the Eleventh Amendment. (*Id.* at 76-77.) Accordingly, Judge Kennelly denied the TRO. (*Id.* at 77.)

On February 27, 2019, the case was reassigned to this Court. (R. 38, Order.)

Subsequently, on March 7, 2019, Plaintiff filed an amended complaint. (R. 54, Am. Compl.) The amended complaint brings three counts against Defendants. (R. 54, Am. Compl. ¶¶ 38-63.) The first two counts bring claims under 42 U.S.C. § 1983 for a deprivation of Plaintiff's procedural due process rights under the Fifth and Fourteenth Amendments based on Defendants' alleged failure to provide a hearing or other adequate process to challenge the issuance of the February 15 seal order before or after Defendants issued the seal order. (*Id.* ¶¶ 38-57.) The third count alleges that the seal order is an unlawful use of Defendants' authority under Section 34(b) of the Act. (*Id.* ¶¶ 58-63.)

Defendants move to dismiss the amended complaint, (R. 63, Mot.), first arguing that Plaintiff fails to plausibly allege that Defendants deprived Plaintiff of its constitutional right to a hearing or other process to challenge the seal order before or after it was issued. (R. 64, Mem. at 6-12.) Defendants maintain that the Constitution allows them to deprive Plaintiff of its property without a pre-deprivation hearing in situations where "swift action is necessary to protect the public health and safety." (*Id.* at 8.) Defendants also argue that a pre-deprivation due process claim only arises if the Act is incapable of affording due process; therefore, according to Defendants, Plaintiff's claim fails because the Act does afford due process. (*Id.* at 9-10.)

With respect to Plaintiff's claim that it was deprived of due process after the seal order was issued, Defendants again argue that the Act affords adequate process and therefore the Court



should dismiss Plaintiff's post-deprivation due process claim. (*Id.* at 10-11.) Defendants also argue that the seal order itself outlines what Plaintiff can do to have the seal order lifted, and that Plaintiff adopts an untenable position that would require Defendants to provide detailed instructions regarding the steps Plaintiff must take before the seal order is lifted. (*Id.* at 11-12.)

According to Defendants, because there is no viable federal claim, the Court should dismiss Plaintiff's state law claim because the Court is left with no independent grounds for subject-matter jurisdiction. (*Id.* at 12-13.) Defendant also maintains that, in addition to Plaintiff's failure to state a federal claim giving rise to federal jurisdiction, Plaintiff's lawsuit is barred by the Eleventh Amendment because it asks the Court to order state officials to comply with state law. (*Id.* at 13-15.) Lastly, Defendants argue that, pursuant to *Younger v. Harris*, 401 U.S. 37 (1971), the Court should abstain from exercising jurisdiction over this case because it involves an ongoing state administrative enforcement proceeding. (*Id.* at 15-16.)

In response, Plaintiff argues that it has adequately alleged a deprivation of its procedural due process rights. (R. 72, Resp. at 5-12.) Plaintiff also maintains that it has sufficiently pleaded a violation of due process because it has alleged that Defendants issued a facially valid permit to operate the Willowbrook facility and then deprived Plaintiff of that permit without providing notice of the permit's invalidity. (*Id.* at 8-11.) According to Plaintiff, controlling legal authorities forbid such "regulation by ambush." (*Id.* at 9.) Plaintiff also contends that its lawsuit is not barred by the Eleventh Amendment, and that the abstention doctrine from *Younger* does not apply. (*Id.* at 12-15.) Defendants' motion to dismiss is fully briefed and ripe for the Court's consideration. (R. 75, Reply.)

## LEGAL STANDARDS

A complaint must set forth a “short and plain statement of the claim showing that the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). “A motion to dismiss pursuant to Rule 12(b)(6) challenges the viability of a complaint by arguing that it fails to state a claim upon which relief may be granted.” *Firestone Fin. Corp. v. Meyer*, 796 F.3d 822, 825 (7th Cir. 2015) (quotation and internal alteration omitted); *see also* FED. R. CIV. P. 12(b)(6). “Although detailed factual allegations are unnecessary, the complaint must have ‘enough facts to state a claim to relief that is plausible on its face.’” *Pierce v. Zoetis, Inc.*, 818 F.3d 274, 277 (7th Cir. 2016) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “Determining whether a complaint states a plausible claim for relief will . . . be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.* at 679. “To rise above the speculative level of plausibility, the complaint must make more than threadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” *Oakland Police & Fire Ret. Sys. v. Mayer Brown, LLP*, 861 F.3d 644, 649 (7th Cir. 2017) (quotation and alteration omitted). In deciding a motion to dismiss, however, the Court accepts the factual allegations in the complaint as true and draws all reasonable inferences in favor of the plaintiff. *Kanter v. Barr*, 919 F.3d 437, 441 (7th Cir. 2019).

Plaintiff also moves to dismiss pursuant to Rule 12(b)(1). (R. 63, Mot. at 1-2.) A motion to dismiss pursuant to Rule 12(b)(1) challenges this Court’s subject-matter jurisdiction over the action. FED. R. CIV. P. 12(b)(1). Defendants’ Rule 12(b)(1) motion is a facial challenge to subject-matter jurisdiction because it contends that Plaintiff’s amended complaint lacks sufficient

factual allegations to establish jurisdiction. *See Silha v. ACT, Inc.*, 807 F.3d 169, 173 (7th Cir. 2015). The Court reviews a facial challenge to subject-matter jurisdiction under the same standard set forth above for a motion to dismiss for failure to state a claim. *Id.* at 173-74. Thus, the Court determines whether Plaintiff's well-pleaded allegations plausibly suggest a basis for subject-matter jurisdiction. *Id.*

## ANALYSIS

### I. The Eleventh Amendment

The Court first addresses Defendants' argument that the Court lacks subject-matter jurisdiction over this lawsuit because it is barred by the Eleventh Amendment, (R. 64, Mem. at 13-15). The Eleventh Amendment provides that "[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." U.S. CONST. AMEND. XI. Courts have construed this language broadly to confer sovereign immunity upon the states, which "guarantees that an unconsenting State is immune from suits brought in federal courts by her own citizens as well as by citizens of another State." *Council 31 of the Am. Fed'n of State, Cty. & Mun. Emps., AFL-CIO v. Quinn*, 680 F.3d 875, 881 (7th Cir. 2012) (quotations omitted). The Eleventh Amendment, therefore, bars private individuals from suing a state or state officials acting in their official capacities in federal court without the state's consent. *Mutter v. Rodriguez*, 700 F. App'x 528, 530 (7th Cir. 2017); *see also Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 121 (1984) ("A claim that state officials violated state law in carrying out their official responsibilities is a claim against the State that is protected by the Eleventh Amendment."). "Obligations of public bodies under state law should be determined by state courts unless there is a very good reason why the federal court should intervene." *Shegog v. Bd. of Educ. of City of Chi.*, 194 F.3d 836, 839 (7th Cir. 1999). Consequently, "[h]ow

far state law exposes state and local agencies to liability is a delicate question that federal judges should hesitate to tackle.” *Myers v. Cty. of Lake*, 30 F.3d 847, 849 (7th Cir. 1994).

There are, however, exceptions to the Eleventh Amendment’s reach. One exception set forth by the Supreme Court in *Ex parte Young*, 209 U.S. 123, 159-60 (1908), applies to suits against state officials in their official capacities to require their compliance with federal law on an ongoing basis. *McDonough Assocs., Inc. v. Grunloh*, 722 F.3d 1043, 1049 (7th Cir. 2013); *see also Ex parte Young*, 209 U.S. at 155-56, 160. Plaintiff argues that this lawsuit falls within the *Ex parte Young* exception because it asks the Court to order state officials to prospectively comply with federal law. (R. 72, Resp. at 13-15.)

In determining whether the doctrine of *Ex parte Young* applies, “a court need only conduct a straightforward inquiry into whether the complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective.” *McDonough Assocs.*, 722 F.3d at 1051 (internal quotation marks and alterations omitted); *Council 31*, 680 F.3d at 882. Plaintiff fails the first part of this inquiry because it only alleges a violation of state law.

Plaintiff’s allegations are analogous to those in *Tenny v. Blagojevich*, 659 F.3d 578 (7th Cir. 2011), a case where the court concluded that the plaintiffs’ due process claims were barred by the Eleventh Amendment. In *Tenny*, inmates alleged that state officials marked up the prices above the Illinois statutory limit for goods purchased from prison commissaries. *Tenny*, 659 F.3d at 579-80. The inmates claimed that they were deprived of procedural due process because they never had an opportunity to challenge the marked-up prices before the prices took effect, but the court concluded that the due process claims were barred by the Eleventh Amendment because the allegations were “about *what* was done (the mark-up in excess of 25%), not the *procedures* followed to do it.” *Id.* at 582-83. Thus, the court reasoned that the constitutional due process

claims essentially complained of a state violating state law and were barred by the Eleventh Amendment. *Id.* at 583.

Like *Tenny*, Plaintiff's allegations are directed toward what Defendants did, namely, invoking Section 34(b) allegedly without any emergency or imminent and substantial endangerment to public health that would justify action under Section 34(b). (*See, e.g.,* R. 54, Am. Compl. ¶ 41.) Specifically, Plaintiff alleges that Defendants issued the seal order without any explanation, any true emergency situation at the Willowbrook facility, and without affording Plaintiff the ability to address any emergency situation and lift the seal order in a manner other than resorting to litigation in the courts. (*Id.* ¶¶ 38-57.) The crux of these allegations is that Defendants violated state law to bypass the regulatory process and courts. (*Id.* ¶¶ 3, 22.) As a result, Plaintiff's lawsuit merely recasts a state-law claim seeking injunctive relief for violation of Section 34(b) as constitutional due process claims. (*See id.* ¶¶ 58-63.) Although Plaintiff labels its claims as procedural due process claims, the Eleventh Amendment prohibits this Court from ordering Defendants to comply with Section 34(b). *See Tenny*, 659 F.3d at 583; *Sutherland v. Leonhart*, No. 11-CV-4663, 2012 WL 1886442, at \*3 (N.D. Ill. May 23, 2012) (dismissing complaint where the plaintiff, at bottom, alleged that a state failed to fulfill its duties under state law); *Price v. Ill. Dep't of Ins.*, No. 12 C 6959, 2013 WL 535563, at \*2 (N.D. Ill. Feb. 12, 2013) ("[T]o the extent that [the plaintiff] accuses [a state official] of failing to properly apply Illinois law governing the issuance of insurance licenses, this court lacks jurisdiction to consider his claims.").

The Court, as a result, rejects Plaintiff's argument that its claims fall within the *Ex Parte Young* exception, which applies to claims involving violations of federal law, not state law. *See McDonough Assocs., Inc.*, 722 F.3d at 1051. The Court also rejects Plaintiff's argument that its

claim against Defendants under Section 34(b) of the Act is a violation of federal law that does not trigger any Eleventh Amendment concerns.<sup>1</sup> (*See* R. 72, Resp. at 14-15.) Section 34 is a provision of a state statute, and Plaintiff's lawsuit brings a cause of action under this state statute, which allows Plaintiff to challenge the seal order in a lawsuit seeking injunctive relief. 415 ILL. COMP. STAT. 5/34(d); *see also Chi. Tribune Co. v. Bd. of Trs. of Univ. of Ill.*, 680 F.3d 1001, 1002-03 (7th Cir. 2012) (focusing on, for purposes of whether a claim is barred by the Eleventh Amendment, whether the claim "arises under Illinois law").

Plaintiff refers to Section 34 in its complaint and does not bring this action pursuant to the federal Clean Air Act. Nor can Plaintiff bring a lawsuit under the Clean Air Act to enjoin the seal order because the Clean Air Act only allows a private party like Plaintiff to sue to enforce emissions standards imposed by the Clean Air Act. *See* 42 U.S.C. § 7604(a)(3). Accordingly, because Plaintiff brings state law claims and invokes state law remedies to force Defendants to comply with state law, the Eleventh Amendment bars this Court from adjudicating Plaintiff's claims. *See Jones v. Indiana*, 533 F. App'x 672, 673 (7th Cir. 2013) ("The Eleventh Amendment to the Constitution *prevents federal courts from awarding relief, under state law*, against states and their agencies." (emphasis added)); *James*, 373 F. App'x at 621 (observing, in a case where the plaintiff based his claim on a state statute, that although *Ex parte Young* "permits prospective relief against a state official to ensure future compliance with federal law, this approach does not apply to claims under state law").

Plaintiff argues that its claims under Section 34(b) allege a violation of federal law because Section 34(b) is part of Illinois' State Implementation Plan ("SIP") under the federal

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<sup>1</sup> Notably, Plaintiff essentially conceded during argument on its motion for a TRO that its Section 34 claim is a state law claim. (R. 51-1, Tr. at 73 (Plaintiff's counsel stating that "we would have a problem" under the Eleventh Amendment if the only claim brought was Plaintiff's Section 34 claim).)

Clean Air Act that the EPA must approve. (R. 72, Resp. at 14.) Plaintiff contends that once the SIP is approved by the EPA, “a state rule embodied in a SIP becomes enforceable federal law.” (*Id.* (quoting *Indiana v. U.S. Envtl. Prot. Agency*, 796 F.3d 803, 806 (7th Cir. 2015).) That the federal government and state government work together to enforce environmental laws does not change the Court’s conclusion that the Eleventh Amendment bars Plaintiff from pursuing this lawsuit in federal court. The U.S. Court of Appeals for the Seventh Circuit has rejected an argument similar to Plaintiff’s in a case where the plaintiff invoked the Act in federal court to challenge an IEPA decision. *E.g., EOR Energy LLC v. Ill. Envtl. Prot. Agency*, 913 F.3d 660, 664 (7th Cir. 2019) (affirming dismissal of claim that IEPA did not have jurisdiction to regulate the plaintiff’s acid dumping and concluding that the suit was barred by the Eleventh Amendment “[a]lthough the enforcement of environmental laws is in part accomplished through a partnership between the states and the federal government”); *see also Union Oil Co. of Cal. v. Leavell*, 220 F.3d 562, 566 (7th Cir. 2000) (observing that Illinois regulatory agency “should have been dismissed immediately” from a lawsuit related to the agency’s actions because the Eleventh Amendment barred the claim against the agency to the extent it relied on state law).

Additionally, the legal principle and supporting case law that Plaintiff relies on stand for the simple proposition that the federal government can enforce SIP rules. *Indiana*, 796 F.3d at 806; *Gen. Motors Corp. v. United States*, 496 U.S. 530, 540 (1990) (“The language of the Clean Air Act plainly states that EPA may bring an action for penalties or injunctive relief whenever a person is in violation of any requirement of an ‘applicable implementation plan.’”). They do not address Eleventh Amendment concerns or stand for the broader proposition that claims invoking a state’s environmental protection statute and state remedies also allege violations of federal law

or claims arising under federal law. *See Indiana*, 796 F.3d at 806; *Gen. Motors Corp.*, 496 U.S. at 540.

Plaintiff also contends that under “Judge Lee’s reasoning” for remanding the October 2018 action to state court due to a lack of subject-matter jurisdiction, Plaintiff’s claim for a violation of Section 34(b) alleges a violation of federal law. (R. 72, Resp. at 15.) The Court disagrees. Judge Lee only reasoned that federal question jurisdiction might exist “*if the State were suing* [Plaintiff] for failing to meet its . . . permit obligations, and thus, national air quality standards.” (18-cv-8010, R. 48, Order at 9-13 (emphasis added).) That is not the situation here; rather, *Plaintiff is suing* the State for allegedly acting outside of its authority under Illinois’ SIP. (See R. 72, Resp. at 15.) As Judge Lee noted in his decision, the parties’ dispute concerns Defendants’ desire to stop Plaintiff’s emissions of ethylene oxide at the Willowbrook facility “*despite* its compliance with the [Clean Air Act] and the SIP.” (18-cv-8010, R. 48, Order at 9-10.) Like the dispute before Judge Lee, Plaintiff alleges it complies with all regulatory requirements, but Defendants nonetheless issued a seal order requiring Plaintiff to seal all ethylene oxide containers at the Willowbrook facility. (R. 54, Am. Compl. ¶¶ 2-3, 14, 17-18, 22-34.) Thus, Plaintiff’s suit implicates state, not federal, law. (See 18-cv-8010, R. 48, Order at 9-13.) Accordingly, this lawsuit is dismissed without prejudice to Plaintiff pursuing its claims in state court. *See Lewert v. P.F. Chang’s China Bistro, Inc.*, 819 F.3d 963, 969 (7th Cir. 2016) (dismissal for lack of subject-matter jurisdiction is a dismissal without prejudice).

## **II. Procedural Due Process Claims**

Even if sovereign immunity did not bar Plaintiff’s lawsuit, the suit would nevertheless be dismissed for failure to state any federal claim giving rise to federal jurisdiction. *See* 28 U.S.C. § 1331. Section 1983 creates a federal cause of action against any person who, under color of state law, subjects, or causes to be subjected, any citizen of the United States “to the deprivation



of any rights, privileges, or immunities secured by the Constitution[.]” 42 U.S.C. § 1983.

Plaintiff alleges that Defendants deprived it of its due process under the Fifth or Fourteenth Amendment by issuing the seal order without a hearing or other process and because there is no adequate process for Plaintiff to lift the seal order. (R. 54, Am. Compl. ¶¶ 38-57.)

“The Due Process Clause of the Fifth and Fourteenth Amendments prohibits deprivation of life, liberty, and property without due process of law.” *Mann v. Vogel*, 707 F.3d 872, 877 (7th Cir. 2013) (quotation omitted). “A procedural due process claim under § 1983 requires that the plaintiff allege (1) deprivation of a protected interest, and (2) insufficient procedural protections surrounding that deprivation.” *Cannici v. Vill. of Melrose Park*, 885 F.3d 476, 479 (7th Cir. 2018) (quotation omitted). Therefore, “[a] procedural due process claim involves a two-step analysis: First, [the Court] determine[s] whether the defendants deprived the plaintiff of a protected liberty or property interest, and if so, then [the Court] assess[es] what process was due.” *Abcarian v. McDonald*, 617 F.3d 931, 941 (7th Cir. 2010) (quotation omitted). The parties do not dispute that the seal order deprives Plaintiff of a property interest, (R. 72, Resp. at 5; R. 75, Reply at 1-9), so the Court focuses on what process was due to Plaintiff.

In evaluating what satisfies due process under the Constitution, “the Supreme Court has distinguished between (a) claims based on established state procedures and (b) claims based on random, unauthorized acts by state employees.” *Leavell v. Ill. Dep’t of Nat. Res.*, 600 F.3d 798, 804 (7th Cir. 2010). “A claim based on a deprivation from established state procedures requires more than simply the availability of post-deprivation procedures.” *Cannici*, 885 F.3d at 479. “The state’s ability to predict when a deprivation will occur provides the state the ability to provide a pre-deprivation hearing.” *Id.* “By contrast, when the state conduct in question is random and unauthorized, the state satisfies procedural due process requirements so long as it

provides a meaningful post-deprivation remedy.” *Leavell*, 600 F.3d at 805 (quotation omitted). Thus, “for a plaintiff alleging a procedural due process claim based on ‘random and unauthorized’ conduct of a state actor, the plaintiff must either avail herself of state post-deprivation remedies or demonstrate that the available remedies are inadequate.” *Id.* (quotation omitted).

Plaintiff alleges that the seal order seeks “to circumvent both regulatory and judicial processes,” and that it is an “extra-legal attempt to accomplish instantaneously what it cannot lawfully do without proper notice and process.” (R. 54, Am. Compl. ¶ 3.) Plaintiff alleges further that, with the seal order, “Defendants decided to bypass the court system” and pending court action in which Defendants allegedly sought the same relief they achieved through the seal order. (*Id.* ¶ 22.) Plaintiff claims that the seal order was justified by an August 2018 report issued by the “Agency for Toxic Substances and Disease Registry,” who “is not a regulator” issuing reports that have “the force of law.” (*Id.* ¶ 24.) According to Plaintiff, Defendants’ justification for the seal order is contrary to the EPA’s conclusions regarding the health risks posed by Plaintiff’s Willowbrook facility, and that Plaintiff has operated the Willowbrook facility with IEPA’s authorization and in compliance with all applicable regulations. (*Id.* ¶¶ 23, 25-26, 31, 41, 47.) These allegations essentially allege that Defendants violated Section 34(b) of the Act by issuing a seal order in the absence of an emergency. Plaintiff’s due process claims fail at the outset because a state government does not violate the federal constitution just because it violates a state law. *Daw v. Consol. City of Indianapolis & Marion Cty.*, 734 F. App’x 357, 358-59 (7th Cir. 2018); *Bradley v. Sabree*, 594 F. App’x 881, 883 (7th Cir. 2015).

Additionally, Plaintiff’s allegations detail “random and unauthorized” misconduct by IEPA officials in which they issued a seal order outside of established administrative and court

procedures in an effort to bypass those procedures. *See Cannici*, 885 F.3d at 480 (noting that “unpredictable misconduct” based on a failure to follow requirements of existing law is a “random and unauthorized” act); *Dufour v. Matrisch*, No. 18 CV 1269, 2018 WL 4073337, at \*4 n.4 (N.D. Ill. Aug. 27, 2018) (finding that the plaintiff alleged a “random and unauthorized act” because he alleged that an Illinois regulatory commission overrode another official’s “issuance of [the plaintiff’s] permit by revoking it, suggesting that the [regulatory commission’s] employees were not following established procedures but rather acting in a ‘random and unauthorized’ way”); *cf. Bolton v. Bryant*, 71 F. Supp. 3d 802, 810 (N.D. Ill. 2014) (“When a state official acts within the bounds of discretion given to him by law, his acts are not random and unauthorized.”). In such circumstances involving alleged random and unauthorized misconduct, no pre-deprivation process is required. *See Armstrong v. Daily*, 786 F.3d 529, 545 (7th Cir. 2015) (observing that, in the case of “random and unauthorized” state actions, “no pre-deprivation hearing is required because it would be utterly impractical”); *Freelain v. Vill. of Oak Park*, No. 17 C 6592, 2018 WL 1635853, at \*6 (N.D. Ill. Apr. 5, 2018) (dismissing pre-deprivation procedural due process claim based on allegedly “random and unauthorized” acts). Accordingly, Plaintiff fails to allege any plausible grounds to support its pre-deprivation due process claim.

Plaintiff relies heavily on *Simpson v. Brown County*, 860 F.3d 1001 (7th Cir. 2017), but that case is distinguishable. *Simpson* involved allegations that a county board revoked the plaintiff’s license to install and repair septic systems without prior notice or an opportunity to be heard. *Simpson*, 860 F.3d at 1003. The court in *Simpson* concluded that the plaintiff had alleged a “septic ordinance that plainly described the process for the placement of septic installers on a register and . . . described the process for their removal[.]” therefore, the plaintiff had sufficiently

alleged that when the county officer revoked the plaintiff's license, the officer "acted pursuant to his broadly delegated powers derived from the ordinance." *Id.* at 1008. The court reasoned that "any license revocation that is 'random and authorized' will be an aberration" because the "existence of a license or permit implies the existence of a legal framework with revocation guidelines." *Id.* at 1007.

This case, on the other hand, does not involve Plaintiff's license to operate but a seal order that Plaintiff alleges is a circumvention of "regulatory and judicial processes" and an "extra-legal attempt to accomplish instantaneously what [Defendants] cannot lawfully do without proper notice and process." (R. 54, Am. Compl. ¶ 3.) *Simpson*, therefore, is not analogous because the plaintiff there alleged an established state procedure and broad delegation of power that led to the plaintiff's loss of a property interest. *Simpson*, 860 F.3d at 1007-10. There are no such allegations here and instead only allegations of state officials acting outside of their authority and in violation of state law. (R. 54, Am. Compl. ¶¶ 3, 22-47.)

Plaintiff's cited authorities outside of the Seventh Circuit are not binding on this Court and are nonetheless unpersuasive. They are either inapposite cases weighing evidence instead of allegations or involve situations where the state's actions depriving a person of due process was predictable and alleged to be part of an established state procedure, unlike the allegations in this case. (See R. 72, Resp. at 6-7 (citing *RBIII, L.P. v. City of San Antonio*, 713 F.3d 840, 847 (5th Cir. 2013); *Elsmere Park Club, L.P. v. Town of Elsmere*, 542 F.3d 412, 418 (3d Cir. 2008); *Catanzaro v. Weiden*, 188 F.3d 56, 62 (2d Cir. 1999); *Armendariz v. Penman*, 31 F.3d 860, 866 (9th Cir. 1994), *vacated in part on reh'g en banc*, 75 F.3d 1311 (9th Cir. 1996).) As a result, the Court concludes that Plaintiff fails to allege a pre-deprivation procedural due process claim because Plaintiff only alleges "random and unauthorized" acts by state officials for which no

pre-deprivation process is required. *See Armstrong*, 786 F.3d at 545; *Freelain*, 2018 WL 1635853, at \*6.

Plaintiff then contends that the fair notice principles of due process prohibit Defendants from issuing a seal order because IEPA has approved of the Willowbrook facility's operation through the state's permitting process. (R. 72, Resp. at 8-11.) Plaintiff relies on *Wisconsin Resources Protection Council v. Flambeau Mining Co.*, 727 F.3d 700 (7th Cir. 2013), a case in which private citizens sued a mining company pursuant to the citizen-suit provisions of the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.* (R. 72, Resp. at 8-9.) *Flambeau*, however, is not analogous. It addressed a due process claim that the defendant did not have fair notice of the type of permit it needed under the Clean Water Act to discharge storm water into a Wisconsin river. *Flambeau Mining Co.*, 727 F.3d at 708-09. The court reasoned that a "private party is entitled to rely on published regulations," and that "a defendant could not be charged," for example, "with violating the Clean Air Act when it complied with the published version of a regulation that was part of [a state's] administration of the Clean Air Act." *Id.* at 709. Thus, the court ruled that the plaintiffs could not hold the defendant liable for lacking a particular permit because it had the permit that state regulators told defendant was adequate, and the Clean Water Act shields a party from liability if it operates pursuant to a facially valid permit so long as the party was not on notice that its permit was invalid. *Id.* at 710-11.

*Flambeau* thus addressed an established state procedure, unlike the random and unauthorized conduct Plaintiff alleges in this case that was an attempt "to circumvent . . . regulatory and judicial processes." (R. 54, Am. Compl. ¶ 3.) Accordingly, *Flambeau* does not alter the Court's conclusion.

Additionally, *Flambeau* is a fair notice case that has no application here because Plaintiff's pre-deprivation due process claims are based on a deprivation of its property rights "without conducting any pre-deprivation hearing" or providing Plaintiff with "the opportunity to be heard at a meaningful time in a meaningful manner." (R. 54, Am. Compl. ¶¶ 38-49.) Plaintiff's due process claims are not—and could not be—based on allegations of a lack of fair notice of Section 34(b) under the Act or Defendants' authority under Section 34(b), a statutory provision that has been codified for years. *See United States v. Navistar Int'l Corp.*, 240 F. Supp. 3d 789, 799 (N.D. Ill. 2017) (distinguishing *Flambeau* and noting that the fair notice concerns in that case do not apply where the statute or regulation at issue "could be ascertained from the text" of the statute or regulation).

In other words, Plaintiff does not challenge the lack of clarity or notice provided by the applicable statute and regulations as is required for a fair notice claim. *See id.*; *see also Flambeau Min. Co.*, 727 F.3d at 708 ("In determining whether a party received fair notice, courts frequently look to the regulations and other agency guidance. If, by reviewing the regulations and other public statements issued by the agency, a regulated party acting in good faith would be able to identify, with ascertainable certainty, the standards with which the agency expects parties to conform, then the agency has fairly notified a petitioner[.]" (quotation omitted)). Instead, Plaintiff alleges and argues that Defendants are not acting pursuant to an emergency and therefore it lacks notice of Defendants' justification of the seal order. (R. 54, Am. Compl. ¶¶ 38-57; R. 72, Resp. at 8-11.) This goes to the merits of Plaintiff's claim that Defendants violated state law and is not enough to allege a deprivation of due process. *See Tenny*, 659 F.3d at 583 (concluding that a procedural due process claim was not sufficiently alleged and

observing that “this case is really about a substantive violation of Illinois law, not about the procedures required before the plaintiffs can be deprived of a property interest”).

Plaintiff also cites to *Christopher v. SmithKline Beecham Corp.*, 567 U.S. 142, 155-56 (2012), but, like *Flambeau*, that case dealt with regulations that were unclear and did not give fair warning of the conduct that the regulations prohibited or required. So too did the other cases that Plaintiff cites. (R. 72, Resp. at 9<sup>2</sup> (citing *Gen. Elec. Co. v. U.S. Envtl. Prot. Agency*, 53 F.3d 1324, 1329-31 (D.C. Cir. 1995), *as corrected* (June 19, 1995); *United States v. Am. Nat. Can Co.*, 126 F. Supp. 2d 521, 530 (N.D. Ill. 2000)).) The Court, therefore, is unpersuaded by Plaintiff’s argument that this is a case of “regulation by ambush.” (R. 72, Resp. at 9.) Unlike *Flambeau* and the other cases Plaintiff relies on, Plaintiff does not allege that the language of Section 34(b) or any other statute or regulation affecting the Willowbrook facility fails to clearly convey what is required. (*See id.*) Instead, Plaintiff alleges that it lacked fair notice of Plaintiff’s *justification* for invoking a statutory provision and that Defendant improperly invoked that provision, which are not the relevant considerations in *Flambeau* and the other fair notice cases that Plaintiff cites. *See, e.g., Flambeau Min. Co.*, 727 F.3d at 708. Accordingly, Plaintiff fails to state a pre-deprivation procedural due process claim.

Turning to Plaintiff’s post-deprivation procedural due process claim, to survive a motion to dismiss, Plaintiff must allege that there are inadequate procedures to challenge the seal order after it was issued. *Leavell*, 600 F.3d at 805-06; *see also Waldon v. Wilkins*, 400 F. App’x 75, 79-80 (7th Cir. 2010) (“For a party alleging such a procedural due process claim based on

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<sup>2</sup> Plaintiff also relies on *United States v. Cinergy Corp.*, 623 F.3d 455, 458 (7th Cir. 2010), which stands for the proposition that the federal Clean Air Act does not authorize the imposition of sanctions for conduct that complies with a state’s regulations promulgated under the Clean Air Act. That case, however, was brought by the federal government and concerned whether there had been a violation of the Clean Air Act, *Cinergy Corp.*, 623 F.3d at 456, not whether there had been a violation of due process, which is the precise question before the Court.

‘random and unauthorized’ conduct, the plaintiff must either avail himself of state post-deprivation remedies or demonstrate that the available remedies are inadequate.” (quotations omitted)). Section 34(d) of the Act provides that the seal order can be challenged by an administrative hearing or by way of a lawsuit seeking “immediate injunctive relief.” 415 ILL. COMP. STAT. 5/34(d); *see also, e.g., Landfill, Inc. v. Pollution Control Bd.*, 387 N.E.2d 258, 260 (Ill. 1978) (ruling that a party may challenge an Illinois agency’s action in state court if the action “is challenged as unauthorized”); *Tarkowski v. Ill. Env’tl. Prot. Agency*, PCB 09-62, 2009 WL 1511352, at \*2 (Ill. Pollution Control Bd. May 21, 2009) (hearing a request to lift a seal order issued pursuant to Section 34 of the Act). State courts supply the process due for random and unauthorized misconduct by state employees. *James v. Madigan*, 373 F. App’x 619, 621 (7th Cir. 2010). The ability to challenge the seal order in state court alone is enough to satisfy due process, and therefore Plaintiff fails to plausibly allege that it was deprived of an adequate post-deprivation hearing or process to challenge the seal order. *See Tucker v. Williams*, 682 F.3d 654, 661 (7th Cir. 2012) (concluding that there were adequate post-deprivation procedures available to the plaintiff where he could have brought a claim in state court); *Tenny*, 659 F.3d at 583 (noting that there was a viable post-deprivation remedy where “Illinois courts can and will entertain [the plaintiff’s] claims and may grant injunctive and declaratory relief”); *see also Johnson v. Wallich*, 578 F. App’x 601, 602 (7th Cir. 2014) (affirming dismissal of due process claim because the plaintiff was afforded, by way of state statutes, procedures that could “address random, unauthorized deprivations of property by state officers and officials”).

Plaintiff alleges that its options in state court are not ideal, but to allege an inadequate post-deprivation remedy, Plaintiff must plausibly allege that the post-deprivation remedies available in state court are “meaningless” or “nonexistent.” *Easter House v. Felder*, 910 F.2d



1387, 1406 (7th Cir. 1990); *see also Simpson*, 860 F.3d at 1010 (“Though a state remedy need not match in every respect the relief otherwise available under § 1983, such a remedy must still offer meaningful redress for the particular injury suffered by the plaintiff.”). Plaintiff does not plausibly allege that the procedures to challenge a seal order under Section 34(d) are meaningless or nonexistent; rather, Plaintiff alleges that the procedures are not as prompt and effective as those afforded under the federal Clean Air Act. (R. 54, Am. Compl. ¶¶ 54-57.) Though Plaintiff would prefer the procedures promulgated under federal law, due process does not require a process that is “afforded at the time and in the manner of one’s own choosing.” *Krison v. Nehls*, 767 F.2d 344, 349 (7th Cir. 1985). Nor is state law process inadequate simply because, as Plaintiff alleges, it fails to provide relief that is as “prompt” or “certain” as relief provided under federal law. *See Brunswick Corp. v. McNabola*, No. 16 CV 11414, 2017 WL 3008279, at \*5 (N.D. Ill. July 14, 2017) (observing that “state-law relief is not deemed inadequate because it is far from certain and complete” and “litigants may lament that a particular forum may yield a more favorable result depending upon the nature of the claim and the particular position they support”(quotations omitted)). Accordingly, Plaintiff fails to state any claim for deprivation of its post-deprivation due process rights.

Given that Plaintiff fails to sufficiently allege a claim under Section 1983 or any other federal law, there are no pending federal claims that could provide grounds for subject-matter jurisdiction. *See* 28 U.S.C. § 1331. The Court also finds that supplemental jurisdiction would not

be appropriate over Plaintiff's Section 34(b) state-law claim.<sup>3</sup> See 28 U.S.C. § 1367; *Mains v. Citibank, N.A.*, 852 F.3d 669, 679 (7th Cir. 2017) (“[T]he federal claims were properly dismissed on the merits at a very early stage, and so the district court properly could relinquish its jurisdiction over the state claims.”); *Miller v. Herman*, 600 F.3d 726, 738 (7th Cir. 2010) (“Normally, when all federal claims are dismissed before trial, the district court should relinquish jurisdiction over pendent state-law claims rather than resolving them on the merits.” (quotation omitted)). Accordingly, both sovereign immunity and the lack of any federal question mandate dismissal of this action. Because the Court lacks jurisdiction, the Court need not reach Defendants' alternative argument that the Court should abstain from exercising jurisdiction pursuant to the principles in *Younger v. Harris*, 401 U.S. 37 (1971). The Court, therefore, dismisses the amended complaint without prejudice to Plaintiff seeking relief in state court.


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<sup>3</sup> To the extent that Plaintiff asserts its Section 34(b) is a federal claim that provides a basis for federal question jurisdiction, the Court disagrees. Such jurisdiction cannot be premised on a Section 34(b) claim because, as addressed above and touched upon in Judge Lee's order, that claim arises out of state law. See *Int'l Union of Operating Eng'rs, Local 150, AFL-CIO v. Ward*, 563 F.3d 276, 281 (7th Cir. 2009) (“[W]hen the basis of the action is a federal statute, a federal cause of action must exist as well for a federal court to hear a given claim; the general grant of federal question jurisdiction contained in § 1331, without a federal cause of action, is not enough.”).

**CONCLUSION**

For the foregoing reasons, Defendants' motion to dismiss (R. 63) is GRANTED as set forth herein. This case is DISMISSED without prejudice to Plaintiff litigating this dispute in state court.

ENTERED:

  
Chief Judge Rubén Castillo  
United States District Court

**Dated: May 3, 2019**

Message

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**Sent:** 4/30/2019 6:50:13 PM  
**To:** Cain, Alexis [cain.alexis@epa.gov]; Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Subject:** Sterigenics

Not sure if you were aware but IEPA has been periodically inspecting Sterigenics to make sure they are in compliance with the seal order. <https://www2.illinois.gov/epa/topics/community-relations/sites/sterigenics/Pages/default.aspx> In reading the inspection from last week, it states that Sterigenics still has partial and full EtO barrels onsite. It does not mention if the concentration monitoring was still occurring with the EtO barrels still inside the facility. I am not sure if there

## Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5** | I have shared this concern/question with OAQPS as this might be

-Margaret

## Appointment

---

**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 3/25/2019 3:56:38 PM  
**To:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]; Weinstock, Lewis [Weinstock.Lewis@epa.gov]; Shappley, Ned [Shappley.Ned@epa.gov]; Smith, Darcie [Smith.Darcie@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]  
**Subject:** Sterigenics Modeling information  
**Location:** conf call  
  
**Start:** 3/25/2019 7:00:00 PM  
**End:** 3/25/2019 7:30:00 PM  
**Show Time As:** Busy

R5 has shared modeling inputs/outputs from modeling (pre NATA release) with IL AG office. The state has asked some follow-up questions. R5 would like to make sure OAQPS is in agreement. If this time doesn't work for you, please let me know and I can reschedule for a better time.

I know Darcie is out this week but I can update her once she is back next week.

Call in number: Personal Privacy / Ex. 6 Code: Personal Privacy / Ex. 6

-Margaret

## Appointment

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**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 3/15/2019 7:08:23 PM  
**To:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** Sterigenics/IEPA/EPA meeting  
**Start:** 3/20/2019 6:00:00 PM  
**End:** 3/20/2019 10:00:00 PM  
**Show Time As:** Busy

## Appointment

---

**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DEB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 2/5/2019 6:39:16 PM  
**To:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**BCC:** R5Metcalf-ConfRm-R1712B/R5-Metcalf---17th-Floor [r5metcalfe-confm-r1712b@epa.gov]  
**Subject:** tentative sterigenics meeting  
**Location:** R5Metcalf-ConfRm-R1712B/R5-Metcalf---17th-Floor  
**Start:** 2/7/2019 6:30:00 PM  
**End:** 2/7/2019 11:00:00 PM  
**Show Time As:** Busy

## Appointment

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**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 2/5/2019 6:34:49 PM  
**To:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**BCC:** R5Metcalfе-ConfRm-R1815B/R5-Metcalfе---18th-Floor [r5metcalfе-confm-r1815b@epa.gov]  
**Subject:** Tentative Sterigenics  
**Location:** R5Metcalfе-ConfRm-R1815B/R5-Metcalfе---18th-Floor  
**Start:** 2/8/2019 1:00:00 PM  
**End:** 2/8/2019 10:00:00 PM  
**Show Time As:** Busy



## Appointment

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**From:** Colledge, Michelle [Colledge.Michelle@epa.gov]  
**Sent:** 11/13/2018 9:06:03 PM  
**To:** Colledge, Michelle [Colledge.Michelle@epa.gov]; Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** Sterigenics talk  
**Location:** Room 433  
  
**Start:** 11/14/2018 2:00:00 PM  
**End:** 11/14/2018 3:00:00 PM  
**Show Time As:** Busy

## Appointment

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**From:** Siegel, Kathryn [siegel.kathryn@epa.gov]  
**Sent:** 2/6/2019 5:46:08 PM  
**To:** Nam, Ed [nam.ed@epa.gov]; Cain, Alexis [cain.alexis@epa.gov]; Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** Sterigenics technical meeting  
**Location:** Lake Superior and Lake Huron rooms  
**Start:** 2/7/2019 7:00:00 PM  
**End:** 2/7/2019 9:00:00 PM  
**Show Time As:** Tentative

Message

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**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 12/3/2018 3:21:57 PM  
**To:** Parker, Cindy [parker.cindy@epa.gov]  
**Subject:** Sterigenics Willowbrook Websites  
**Attachments:** 11 29 18 public meeting agenda.pdf

Here are some websites to look at. The first public meeting is posted on the willowbrook website but last week's isn't there yet.

Attached is a copy of the agenda from the 11/29 public meeting.

Village of Willowbrook - <http://willowbrookil.org/index.aspx?NID=302>  
U.S. EPA Sterigenics website - <https://www.epa.gov/il/sterigenics-willowbrook-facility>  
IEPA Sterigenics website - <https://www2.illinois.gov/epa/topics/community-relations/sites/sterigenics/Pages/default.aspx>

-Margaret

# Community Forum on Ethylene Oxide

November 29, 7:00 PM – 10:00 PM

## Ashton Place

341 75<sup>th</sup> St,  
Willowbrook, IL.

### **PURPOSE:**

This meeting is designed around the questions being asked by communities surrounding the Sterigenics facility in Willowbrook Illinois.

Staff from U.S. EPA, the State of Illinois, and the Tri-State Fire Department will provide answers and information in response to community questions received regarding EtO and what is known and not known about the specific conditions and risks at the Willowbrook Sterigenics facility.

The U.S. EPA will also discuss ongoing activities and a timeline regarding sampling and evaluation of the contamination levels and risks for the Willowbrook community and plans for on-going community information and engagement.

Remote participation is available via the Willowbrook Facebook at  
<https://www.facebook.com/VillageofWillowbrook/>

### ***7:00 PM Introduction to Tonight's Forum***

- How the meeting was designed and will work
- What we hope to achieve
- How we hope to inform everyone tonight and engage the community moving forward
- What we ask from you to ensure everyone gets the information they desire

### ***7:10 PM Welcome and Commitment***

- Village of Willowbrook
- US EPA Region 5 – Jim Payne, Deputy Regional Administrator
- US EPA – William Wehrum, Assistant Administrator for the Office of Air and Radiation
- US Representative Daniel Lipinski

### ***7:35 PM Community Statement***

- Stop Sterigenics Group - Neringa Zymancius

### ***7:45 PM Setting the Stage: Past, Current and Future Activities to Understand Ethylene Oxide Emissions in Willowbrook, IL***

- US EPA – Mike Koerber, Deputy Office Director, Office of Air Quality Planning and Standards (OAQPS)

**8:00 PM Panel Session 1. Community questions related to ethylene oxide and what we know and don't know about the risks around the Sterigenics facilities**

**Community Questioners:** Mayor Tom Hinshaw, Village of Indian Head Park & Urszula Tanouye, Stop Sterigenics Group

**Panelists:**

- US EPA – Kelly Rimer, Leader, Air Toxics Assessment Group, Office of Air Quality Planning and Standards (OAQPS)
- US EPA – Mike Koerber, Deputy Office Director, Office of Air Quality Planning and Standards (OAQPS)

**8:30 PM Panel Session 2. Community questions related to the Sterigenics Willowbrook facility**

**Community Questioners:** Sri Rao, Stop Sterigenics Group & John Wawak, Stop Sterigenics Group

**Panelists:**

- Tri-State Fire Department –Sam Molinaro, Chief & Patrick Brenn, Deputy Chief
- US EPA – Mike Koerber, Deputy Office Director, Office of Air Quality Planning and Standards (OAQPS)
- Illinois EPA – Alec Messina, Director

**9:00 PM Panel Session 3. Community questions related to future plans to inform and engage the community surrounding the Sterigenics Willowbrook facility**

**Community Questioners:** Mayor Tom Hinshaw, Village of Indian Head Park & Margaret Donnell, Stop Sterigenics Group

**Panelists:**

- US EPA – Laura McKelvey, Leader, Community and Tribal Programs Group, Office of Air Quality Planning and Standards (OAQPS)
- Illinois EPA – Alec Messina, Director

**9:30 PM Address Additional Questions**

- Community and Local Government Questioners will ask panelists to address additional questions collected from the question cards throughout the Open House and Forum.

**9:55 – 10:00 PM Closing Remarks**

- US EPA – William Wehrum, Assistant Administrator for the Office of Air and Radiation

Message

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**From:** Sieffert, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DBB22FA4A9B14C1E8C634B2E0791CEFA-MSIEFFER]  
**Sent:** 12/7/2018 7:05:51 PM  
**To:** Robert Sills <SILLSR@michigan.gov> [SILLSR@michigan.gov]  
**Subject:** EtO information

Hi Bob,

The monitoring group is also sending this to their contacts at MDEQ but wanted you to also have it. Just wanted to let you know the first of the monitoring samples were released today. Information about the results, including a link to the interactive map and a link to FAQs about the results, is available at this link: <https://www.epa.gov/il/sterigenics-willowbrook-facility-latest-update>

Also Colorado has released a report about a facility there. <https://www.colorado.gov/pacific/cdphe/ethylene-oxide>  
Scroll down to Air Monitoring and health effects studies and follow those two links.

-Margaret

Message

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**From:** Shaffer, Loretta [Shaffer.Loretta@epa.gov]  
**Sent:** 12/10/2018 5:26:30 PM  
**To:** Sieffert, Margaret [Sieffert.Margaret@epa.gov]  
**Subject:** Sterigenics - Village of Hinsdale Control  
**Attachments:** Sterigenics Village of Hinsdale.pdf

Here you go.

R5-19-000-0783



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL ADMINISTRATOR  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 28 2018

Tom Cauley, Village President  
Village Hall  
19 East Chicago Avenue  
Hinsdale, Illinois 60521-3431

Dear Mr. Cauley:

Thank you for your letter of October 25, 2018. We appreciate your interest in the issue of ethylene oxide (EtO) emissions from the Sterigenics facility in Willowbrook, Illinois.


You requested that the U.S. Environmental Protection Agency include the Village of Hinsdale in formal statements regarding the status of the investigation into the presence of EtO. We will post all such statements to <https://www.epa.gov/il/sterigenics-willowbrook-facility>.

Thank you for offering your municipal sites for future ambient air testing of EtO. We have developed a monitoring plan based on modeling of emissions from Sterigenics and began monitoring in mid-November. Although our monitoring plan does not, at this time, include a monitoring site in the Village of Hinsdale, we will be reviewing the data as it becomes available (including data from a site very close to the Village) to determine the need for additional sites.

We are glad the Village of Hinsdale is participating in calls to discuss future meetings between EPA and municipal governments about this issue. A public meeting has been scheduled for November 29<sup>th</sup>, at the Ashton Place Banquet Hall.

Again, thank you for your letter. If you have further questions, please contact Eileen Deamer or Denise Fortin, the Region 5 Intergovernmental Liaisons, at (312) 886-3000.

Sincerely,

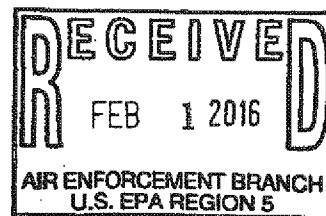
  
Cathy Stepp  
Regional Administrator





January 27, 2016

Illinois Environmental Protection Agency  
Bureau of Air  
Compliance Section (MC40)  
Post Office Box 19276  
Springfield, Illinois 62794-9276



**Subject: Semi-Annual Monitoring System Performance Report for Sterigenics - Willowbrook, IL Facilities - Permit ID #043110AAC/Summary Report-Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance**

Dear Compliance Section:

This letter constitutes the semi-annual monitoring and summary report for Sterigenics Willowbrook, Illinois facilities. This report is intended to satisfy semi-annual reporting requirements in our current air permit. This report is organized by reporting requirements required by 40 CFR 63.366 (a)(3) and permit condition.

**Summary Report** for Sterigenics' facilities located at 7775 Quincy Street, Willowbrook, IL and 830 Midway Drive, Willowbrook, IL. These two facilities are combined in Permit #043110AAC.

**Reporting Period Dates:** July 1, 2015 to December 31, 2015.

**Description of Process Units:**

The facility process units are sterilization process chambers of various size using ethylene oxide and propylene oxide gases as the sterilant. The sterilization process chambers vacuum pump emissions are vented to the DeOxx Scrubber for Willowbrook I and to the AAT Scrubber for Willowbrook II. The aeration rooms are vented to the AAT Scrubber for Willowbrook I and II. Back vents are uncontrolled.

**Emission and Operating Parameter Limitations Specified in Relevant Standards:**

Control Device:	Control Parameter	Limitations/Standards	Deviations
DeOxx Scrubber WB I	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than 5,200 gallons	None
AAT Scrubber WB I	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than or equal to 160"	None
AAT Dry Bed Analysis WB I	Dry Bed Emission Outlet Concentration	Record Weekly, must be less than 1 ppm	None
AAT Scrubber WB II	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than 202"	None
AAT Dry Bed Analysis WB II	Dry Bed Emission Outlet Concentration	Record Weekly, must be less than 1 ppm for Aeration and 60 ppm for Vacuum Pump Discharge	None

Sterigenics International LLC  
2015 Spring Road, Suite 650 • Oak Brook, IL 60523  
Tel 630.928.1700 • Fax 630.928.1701 • www.sterigenics.com

**Monitoring Equipment Manufacturers and Model Numbers:**

N/A. There is no CMS monitoring equipment.

**The date of the latest CMS certification or audit:**

N/A. There is no CMS monitoring equipment.

**The Total Operating Time of the Affected Source During the Reporting Period:**

**Willowbrook I DeOxx and AAT Scrubber:**

**Total operating time = 4,380 hours and 20 minutes**

- Three planned outages totaling 14 hours and 24 minutes.
- Four outages totaling 21 hour and 16 minutes.

**Willowbrook II AAT Scrubber:**

**Total operating time = 3,418 hours and 11 minutes**

- Multiple planned outages totaling 957 hours and 50 minutes.
- Multiple outages totaling 39 hours and 59 minutes.

**Emission Data Summary:** There were no excess emissions during the reporting period.

Control Unit	Total Duration of Excess Emissions - quantity released	Excess Emission Duration by Cause (hours)				
		Startup - Shutdown	Control Equipment Problems	Process Problems	Other Know Causes	Unknown Causes
DeOxx Scrubber WB I	None	N/A	N/A	N/A	N/A	N/A
AAT Scrubber WB I	None	N/A	N/A	N/A	N/A	N/A
AAT Scrubber II	None	N/A	N/A	N/A	N/A	N/A

**CMS Performance Summary:**

N/A

**Description of Changes in CMS, Process or Controls since Last Reporting Period:**

N/A

Condition 8.6.1 requires:

A report summarizing required monitoring as specified in the conditions of this permit shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows, unless more frequent submittal of such reports is required in Sections 5 or 7 of this permit:

**Monitoring Period**

January - June

July - December

**Report Due Date**

August 1

February 1

All instances of deviations from permit requirements must be clearly identified in such reports.  
All such reports shall be certified in accordance with condition 9.9.

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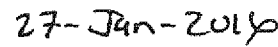
Sterigenics U.S. LLC has reviewed all applicable provisions of the operating permit. All liquid levels in the scrubbers are being monitored weekly and were within the levels established during the compliance test. U.S. EPA Region 5 approved monitoring requirements for the AAT Dry Bed Adsorbent System on December 19, 2002. There have not been any deviations from current applicable limits or standards. There also have not been any monitor malfunctions during the reporting period from July 1, 2015 through December 31, 2015.

**Responsible Official Certification**

Based on the information and belief formed after reasonable inquiry, the statements and information in this report are true, accurate, and complete.



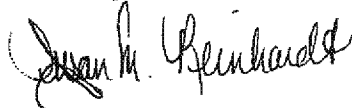
Kathy Hoffman  
Senior Vice President - EHS



Date

If you have any questions regarding this report, please call me at (630) 928-1768.

Sincerely,



Susan Reinhardt  
Manager  
Environment, Health and Safety

Pc: Illinois Environmental Protection Agency  
Division of Air Pollution Control  
9511 West Harrison  
Des Plaines, Illinois 60016

USEPA (AR-17)  
Air & Radiation Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Permit Section  
P.O. Box 19506  
Springfield, Illinois 62794-9506

**Sterigenics Management:**

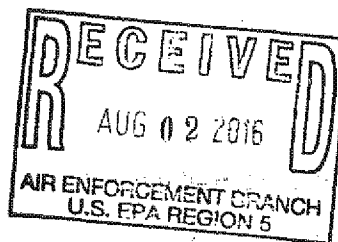
Mark Metzger - General Manager-Willowbrook, IL  
Kathleen Hoffman - Senior Vice-President, EHS  
Juan Segovia- Vice-President of Operations





July 27, 2016

Illinois Environmental Protection Agency  
Bureau of Air  
Compliance Section (MC40)  
Post Office Box 19276  
Springfield, Illinois 62794-9276



**Subject: Semi-Annual Monitoring System Performance Report for Sterigenics - Willowbrook, IL Facilities - Permit ID #043110AAC/Summary Report-Gaseous and Opacity Excess Emission and Continuous Monitoring System Performance**

Dear Compliance Section:

This letter constitutes the semi-annual monitoring and summary report for Sterigenics Willowbrook, Illinois facilities. This report is intended to satisfy semi-annual reporting requirements in our current air permit. This report is organized by reporting requirements required by 40 CFR 63.366 (a)(3) and permit condition.

Summary Report for Sterigenics' facilities located at 7775 Quincy Street, Willowbrook, IL and 830 Midway Drive, Willowbrook, IL. These two facilities are combined in Permit #043110AAC.

**Reporting Period Dates:**

01 January 2016 to 30 June 2016

**Description of Process Units:**

The facility process units are sterilization process chambers of various size using ethylene oxide and propylene oxide gases as the sterilant. The sterilization process chamber vacuum pump emissions are vented to the DeOxx Scrubber for Willowbrook I and to the AAT Scrubber for Willowbrook II. The aeration rooms are vented to the AAT Scrubber for Willowbrook I and II. Back vents are uncontrolled.

**Emission and Operating Parameter Limitations Specified in Relevant Standards:**

<u>Control Device:</u>	<u>Control Parameter</u>	<u>Limitations/Standards</u>	<u>Deviations</u>
DeOxx Scrubber WB I	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than 5,200 gallons.	None
AAT Scrubber WB I	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than or equal to 160"	None
AAT Dry Bed Analysis WB I	Dry Bed Emission Outlet Concentration	Record Weekly, must be less than 1 ppm	None
AAT Scrubber WB II	Scrubber Glycol Solution Liquor Level	Record Weekly, must be less than 202"	None
AAT Dry Bed Analysis WB II	Dry Bed Emission Outlet Concentration	Record Weekly, must be less than 1 ppm for Aeration and 60 ppm for Vacuum Pump Discharge	None

**Monitoring Equipment Manufacturers and Model Numbers:**

N/A. There is no CMS monitoring equipment.

**The date of the latest CMS certification or audit:**

N/A. There is no CMS monitoring equipment.

**The Total Operating Time of the Affected Source During the Reporting Period:****Willowbrook I DeOxx and AAT Scrubber**

**Total operating time = 4,350 hours and 42 minutes**

- Two planned outages totaling 15 hours and 07 minutes.
- Four outages totaling 2 hours and 11 minutes.

**Willowbrook II AAT Scrubber**

**Total operating time = 4,299 hours and 24 minutes**

- Two planned outages totaling 26 hours and 50 minutes.
- Ten outages totaling 41 hours and 46 minutes.

**Emission Data Summary: There were no excess**

Control Unit	Total Duration of Excess Emissions/quantity released	Excess Emission Duration by Cause (hours)				
		Startup/Shutdown	Control Equipment Problems	Process Problems	Other Know Causes	Unknown Causes
DeOxx Scrubber WB I	None	N/A	N/A	N/A	N/A	N/A
AAT Scrubber WB I	None	N/A	N/A	N/A	N/A	N/A
AAT Scrubber II	None	N/A	N/A	N/A	N/A	N/A

**CMS Performance Summary:**

N/A

**Description of Changes in CMS, Process or Controls since Last Reporting Period:**

N/A

Condition 8.6.1 requires:

A report summarizing required monitoring as specified in the conditions of this permit shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows, unless more frequent submittal of such reports is required in Sections 5 or 7 of this permit:

Monitoring Period

January – June

July – December

Report Due Date

August 1

February 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with condition 9.9.

---

Sterigenics U.S. LLC has reviewed all applicable provisions of the operating permit. All liquid levels in the scrubbers are being monitored weekly and were within the levels established during the compliance test. U.S. EPA Region 5 approved monitoring requirements for the AAT Dry Bed Adsorbent System on December 19, 2002. There have not been any deviations from current applicable limits or standards. There also have not been any monitoring malfunctions during the reporting period from 01 January 2016 through 30 June 2016.

Responsible Official Certification

Based on the information and belief formed after reasonable inquiry, the statements and information in this report are true, accurate, and complete.



Kathleen Hoffman

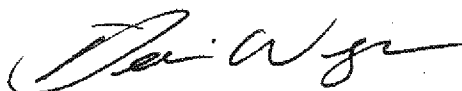
Sr. Vice President EH&amp;S

28-Jul-2016

Date

If you have any questions about this report, please contact Kevin Wagner at (630) 928-1771 or [kwagner@sterigenics.com](mailto:kwagner@sterigenics.com).

Kind Regards,



Kevin Wagner

Director, Environmental Health &amp; Safety

Pc: Illinois Environmental Protection Agency  
Division of Air Pollution Control  
9511 West Harrison  
Des Plaines, Illinois 60016

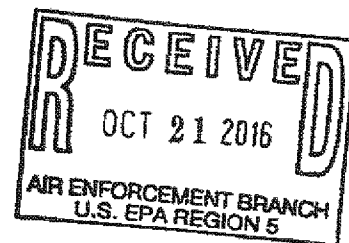
USEPA (AR-17J)  
Air & Radiation Division  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Permit Section  
P.O. Box 19506  
Springfield, Illinois 62794-9506

**Sterigenics Management:**  
Mark Metzger – General Manager–Willowbrook, IL  
Kathleen Hoffman – Senior Vice-President, EHS  
Juan Segovia- Vice-President of Operations







October 17, 2016

USEPA (AR - 17J)  
Air and Radiation Division  
77 West Jackson Boulevard  
Chicago, IL 60604

RE: Emission System Performance Test Notification  
Sterigenics' Willowbrook Facility - ID No. 043110AAC, Permit No. 95120085

Dear Sir:

As required in Section 39.5(7)(a) of the Act, we are submitting this advance notification of our intention to conduct two performance tests of the Sterigenics Willowbrook scrubber control systems at our facilities located at:

Sterigenics - Willowbrook I  
7775 South Quincy Street  
Willowbrook, IL 60521

Sterigenics - Willowbrook II  
830 Midway Drive  
Willowbrook, IL 60521

The performance tests are being done pursuant to Section 7 in the above referenced permit. Notifications are also being sent to IEPA Compliance & Enforcement Section as well as IEPA Source Monitoring. The testing is scheduled to begin at approximately 9:00 AM on December 12, 2016 and continue through December 13, 2016. Also enclosed is the proposed testing protocol for each performance test.

Please contact me at [kwagner@sterigenics.com](mailto:kwagner@sterigenics.com) or at (630) 928-1771 if you have any questions.

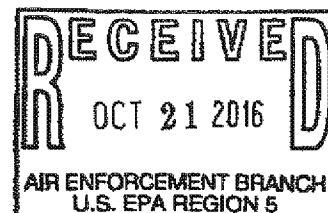
Sincerely,

A handwritten signature in cursive script, appearing to read 'Kevin Wagner'.

Kevin Wagner  
Director, EH&S

cc: Juan Segovia - Vice President-Operations

**TEST PROTOCOL FOR  
AIR POLLUTION SOURCE TESTING  
OF TWO ETHYLENE OXIDE EMISSION-CONTROL SYSTEMS  
OPERATED BY STERIGENICS US, LLC.  
AT ITS WILLOWBROOK I, ILLINOIS FACILITY**



Submitted to:

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 North Grand Avenue East  
Springfield, Illinois 62794**

Submitted by:

**STERIGENICS US, LLC.  
2015 Spring Road  
Oak Brook, Illinois 60523**

**I.D. Number 043110AAC**

Prepared by:

**ECSI, INC.  
PO Box 848  
San Clemente, California 92674-0848**

Prepared on:

**October 14, 2016**

*ECSi*

## CONTACT SUMMARY

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### TEST DATE

Tuesday, December 13, 2016

### REGULATORY AGENCY

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Environmental Protection Engineer II  
Bureau of Air – Air Permits Section  
Illinois Environmental Protection Agency  
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Springfield, Illinois 62794-9276

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### TESTING CONTRACTOR

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*ECSi*

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## 1.0 INTRODUCTION

ECSi, Inc. proposes to conduct air pollution source testing of one ethylene oxide (EtO) emission control system operated by Sterigenics US, LLC. at their Willowbrook I facility, located at 7775 S. Quincy Street. The device to be tested is the Chemrox DEOXX packed tower scrubber emission-control system, which is used to control emissions from fourteen sterilizer vacuum pumps. The purpose of the testing program will be to demonstrate continued compliance with the conditions established in the Air Quality Permit granted to Sterigenics by the Illinois Environmental Protection Agency (IEPA).

## 2.0 EQUIPMENT

At Willowbrook I, sterilizer vacuum pump emissions are controlled by:

- One Chemrox DEOXX packed tower chemical scrubber, equipped with a packed reaction/interface column, a scrubber fluid recirculation system, and a scrubber fluid reaction/storage tank.

### 3.0 TESTING

EtO source testing will be conducted in accordance with the procedures outlined in USEPA CFR40, Part 63.365. EtO emissions monitoring will be conducted simultaneously at the inlet and outlet of the packed tower scrubber during the first chamber evacuation of the sterilizer exhaust phase of one of the thirteen sterilizers. A total of three exhaust-phase test runs will be performed.

Exhaust phase testing with one sterilizer discharging to the scrubber at a time represents worst-case conditions for demonstration of control efficiency compliance. At this lower inlet loading, the scrubber must perform at its maximum efficiency to achieve outlet EtO concentrations low enough to demonstrate compliance. One of the larger sterilizers will be tested to provide a realistic operational scenario.

During the first chamber evacuation of the exhaust phase, EtO emissions to the inlet of the packed tower scrubber will be determined using the Ideal Gas Law and the chamber conditions at the beginning and at the end of the first chamber evacuation. During the first chamber evacuation of the exhaust phase, EtO emissions from the outlet of the packed tower scrubber will be determined using direct source sample injection into the GC.

All exhaust phase testing will be conducted during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. The testing program will be conducted in accordance with the procedures outlined in the following sections.

#### 4.0 RULE/COMPLIANCE REQUIREMENTS

The EtO gas-sterilization system at the Willowbrook I facility is being tested to demonstrate compliance with the EPA requirements, as specified in the IEPA Air Quality Permit. The following requirements must be met:

- The sterilizer exhaust phase (post exposure vacuum pulses) emissions must be vented to control equipment with an EtO emission-reduction efficiency of at least 99 % by weight.

Testing is required to demonstrate compliance with these requirements. Source testing of the packed tower scrubber emission-control device is required initially, and may be required periodically thereafter.



## 5.0 TEST METHOD REFERENCE

### 5.1 INTRODUCTION

EtO source testing will be conducted in accordance with the procedures outlined in USEPA CFR40, Part 63.365. EtO emissions monitoring will be conducted simultaneously at the inlet and outlet of the packed tower scrubber during the first chamber evacuation of the sterilizer exhaust phase of one of the thirteen sterilizers. A total of three exhaust-phase test runs will be performed.

Exhaust phase testing with one sterilizer discharging to the scrubber at a time represents worst-case conditions for demonstration of control efficiency compliance. At this lower inlet loading, the scrubber must perform at its maximum efficiency to achieve outlet EtO concentrations low enough to demonstrate compliance. One of the larger sterilizers will be tested to provide a realistic operational scenario.

During the first chamber evacuation of the exhaust phase, EtO emissions to the inlet of the packed tower scrubber will be determined using the Ideal Gas Law and the chamber conditions at the beginning and at the end of the first chamber evacuation. During the first chamber evacuation of the exhaust phase, EtO emissions from the outlet of the packed tower scrubber will be determined using direct source sample injection into the GC.

All exhaust phase testing will be conducted during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. The testing program will be conducted in accordance with the procedures outlined in the following sections.

Operation and documentation of process conditions will be performed by personnel from Sterigenics, Inc. using existing monitoring instruments installed by the manufacturer on the equipment to be tested. In accordance with the procedures established in USEPA CFR40, Part 63, Subpart O, scrubber liquor level will be recorded.

### 5.2 VOLUMETRIC FLOW MEASUREMENT

Exhaust gas flow at the outlet of the scrubber will be determined by 40 CFR 60, Appendix A, Method 2, using an s-type pitot tube and an inclined-oil manometer. Sampling ports will be located in accordance

with 40 CFR 60, Appendix A, Method 1. The test ports will be located far enough from any flow disturbances to permit accurate flow measurement.

Temperature measurements will be obtained from a type K thermocouple and thermometer attached to the sampling probe. Exhaust gas composition will be assumed to be air and small amounts of water vapor. Water vapor will be negligible and, based on previous test data, a value of 2 percent will be used for flow calculations.

### 5.3 CONTROL EFFICIENCY AND MASS EMISSIONS MEASUREMENT

During the first chamber evacuation of the sterilizer exhaust phase, the mass emissions of EtO vented to the inlet of the scrubber will be determined using the procedures outlined in CFR40, Part 63.365. This method allows the determination of the mass of EtO vented to the inlet of the scrubber through calculations based on the Ideal Gas Law and using the conditions (pressure, temperature, volume) of the sterilization chamber immediately after it has been charged with sterilant gas, and upon conclusion of the first chamber evacuation of the exhaust phase.

The mass of EtO vented to the inlet of the scrubber during the first chamber evacuation of the exhaust phase will be determined by calculating the mass of EtO present in the chamber after the first chamber evacuation and subtracting it from the mass of EtO present in the chamber after it has been charged with sterilant gas. The mass of EtO present in the chamber will be calculated using Equation 1, shown below in Section 5.9.

During the first chamber evacuation of the sterilizer exhaust phase, EtO emissions from the outlet will be determined using direct source sample injection into the GC. The mass of EtO emitted from the outlet will be determined using Equation 2, shown below in Section 5.9. Mass-mass control-efficiency of EtO during the sterilizer exhaust phase will be calculated by comparing the mass of EtO vented to the system inlet to the mass of EtO vented from the system outlet.

During the sterilization chamber exhaust phase, vented gas will be analyzed by an SRI, Model 8610, portable gas chromatograph (GC), equipped with the following: dual, heated sample loops and injectors; dual columns; and dual detectors. A photoionization detector (PID) will be used to quantify low-level EtO emissions at the packed tower scrubber outlet.

## 5.4 SAMPLE TRANSPORT

Source gas will be pumped to the GC at approximately 500-1000 cubic centimeters per minute (cc/min) from the sampling ports through two lengths of Teflon® sample line, each with a nominal volume of approximately 75 cubic centimeters (cc) and an outer diameter of 0.25 inch. At the outlet of the scrubber the sampling ports will be located in the exhaust stack.

## 5.5 GC INJECTION

Source-gas samples will then be injected into the GC which will be equipped with two heated sampling loops, each containing a volume of approximately 2cc and maintained at 100 degrees Celsius (C). Injections will occur at approximately one-minute intervals during the sterilization chamber exhaust phase. Helium will be the carrier gas for the PID.

## 5.6 GC CONDITIONS

The packed columns for the GC will both be operated at 80 degrees C. The columns will be stainless steel, 6 feet long, 0.125 inch outer diameter, packed with 1 percent SP-1000 on 60/80 mesh Carbopack B.

Any unused sample gas will be vented from the GC system back to the inlet of the scrubber.

## 5.7 CALIBRATION STANDARDS

The PID will be calibrated for low-range ppmv level analyses using gas proportions similar to the following:

- 1) 100 ppmv EtO, balance nitrogen
- 2) 50 ppmv EtO, balance nitrogen (audit gas)
- 3) 10 ppmv EtO, balance nitrogen
- 4) 1 ppmv EtO, balance nitrogen

Each of these calibration standards will be in a separate, certified manufacturer's cylinder. Copies of the calibration gas laboratory certificates will be included with the final report.

Exhaust phase EtO measurements will be taken for the entire duration of the first chamber evacuation, which will be approximately 15-30 minutes. This will encompass a total sampling duration of approximately 15-30 minutes for each exhaust phase test run.

## 5.9 CONTROL-EFFICIENCY/MASS-EMISSIONS CALCULATIONS

The following equation will be used to calculate mass of EtO discharged to the inlet of the emission-control system during the first chamber evacuation of the sterilizer exhaust phase:

EQUATION 1:

$$W_c = W_{ci} - W_{cf}$$

Where:

$W_c$  = Weight of EtO discharged from the sterilization chamber to the emission-control system during the first chamber evacuation, pounds

$$W_{ci} = (mw)(p)(P)(V)/(R)(T)$$

(and  $W_{cf}$ )

Where:

$W_{ci}$  = Weight of EtO present in the sterilization chamber before the first chamber evacuation, pounds

$W_{cf}$  = Weight of EtO present in the sterilization chamber after the first chamber evacuation, pounds

$MW$  = Molecular weight of EtO, 44.05 lb/mol

$p$  = Percent of EtO in chamber

$$= W_s/W_i$$

Where:

$W_s$  = Scale-measured weight of EtO charged into sterilization chamber

$W_i$  = Calculated weight of EtO charged into sterilization chamber (@ 100%)

$P$  = Sterilization chamber pressure (after charging/at the end of the 1st evac), psia

$V$  = Sterilization chamber volume, ft<sup>3</sup>

$R$  = Gas constant, 10.73 psia·ft<sup>3</sup>/mol·°R

$T$  = Sterilization chamber temperature (after charging/at the end of the 1st evac), °R

Note: Standard conditions are 68°F and 1 atm.

Mass emissions of EtO during the exhaust phase will be calculated using the following equation:

EQUATION 2:

$$\text{MassRate} = (\text{VolFlow})(\text{MolWt})(\text{ppmv EtO}/10^6)/(\text{MolVol})$$

Where:

MassRate = EtO mass flow rate, pounds per minute

VolFlow = Corrected volumetric flow rate, standard cubic feet per minute at 68 degrees F

MolWt = 44.05 pounds EtO per pound mole

ppmv EtO = EtO concentration, parts per million by volume

$10^6$  = Conversion factor, ppmv per "cubic foot per cubic foot"

MolVol = 385.32 cubic feet per pound mole at one atmosphere and 68 degrees F

Mass-mass control efficiency of EtO will be calculated for first chamber evacuation of the sterilization chamber exhaust phase. Results of the control-efficiency testing will be summarized in the final report.

## 6.0 TEST SCENARIO

During exhaust phase testing, each sterilizer will be tested during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. A total of three exhaust-phase test runs will be performed to verify the performance of the emission-control device. Testing will be conducted with an effort to offer minimal disruption to the Sterigenics production schedule. The testing schedule will be as follows:

- 1) Testing equipment is set up and calibrated.
- 2) An empty-chamber cycle is started in one of the larger sterilizers. This sterilizer is isolated for test use and designated as a test chamber.
- 3) Exhaust Phase Test Run #1 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the Chemrox scrubber.
- 4) An empty-chamber cycle is started in one of the larger sterilizers. This sterilizer is isolated for test use and designated as a test chamber.
- 5) Exhaust Phase Test Run #2 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the Chemrox scrubber.
- 6) An empty-chamber cycle is started in one of the test chambers.
- 7) Exhaust Phase Test Run #3 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the Chemrox scrubber.
- 8) Post calibration check is performed. Testing equipment is shut down and packed.

### 7.1 FIELD TESTING QUALITY ASSURANCE

At the beginning of the test, the sampling system will be leak checked at a vacuum of 15 inches of mercury. The sampling system will be considered leak free when the flow indicated by the rotameters falls to zero.

At the beginning of the test, a system blank will be analyzed to ensure that the sampling system is free of EtO. Ambient air will be introduced at the end of the heated sampling line and drawn through the sampling system line to the GC for analysis. The resulting chromatogram also will provide a background level for non-EtO components (i.e. ambient air, carbon dioxide, water vapor) which are present in the source gas stream due to the ambient dilution air which is drawn into the emission-control device, and due to the destruction of EtO by the emission-control device which produces carbon dioxide and water vapor. This chromatogram, designated AMB, will be included with the calibration data in the final report.

### 7.2 CALIBRATION PROCEDURES

The GC system will be calibrated at the beginning and conclusion of each day's testing. Using the Peaksimple II analytical software, a point-to-point calibration curve will be constructed for each detector. A gas cylinder of similar composition as the calibration gases, but certified by a separate supplier, will be used to verify calibration gas composition and GC performance.

All calibration gases and support gases used will be of the highest purity and quality available. A copy of the laboratory certification for each calibration gas will be included in the final report.

## 8.0 FINAL TEST REPORT DESCRIPTION

The test results will be summarized in a written report. This report will be submitted to the IEPA no later than sixty days after the conclusion of the field testing. It will include results for EtO control efficiency of the emission-control device and mass emissions of EtO to the atmosphere from the emission-control device outlet. The report will contain:

- Summary tables with comparisons of the test results to rule limits;
- Copies of all intermediate data tables and calculation worksheets;
- Copies of all GC chromatograms from calibration runs and sample injections; and
- Laboratory calibration certificates for all calibration and audit gases and all applicable measurement instruments such as pitot tubes and thermocouples.



**TEST PROTOCOL FOR  
AIR POLLUTION SOURCE TESTING  
OF TWO ETHYLENE OXIDE EMISSION-CONTROL SYSTEMS  
OPERATED BY STERIGENICS US, LLC.  
AT ITS WILLOWBROOK II, ILLINOIS FACILITY**

Submitted to:

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 North Grand Avenue East  
Springfield, Illinois 62794**

Submitted by:

**STERIGENICS US, LLC.  
2015 Spring Road  
Oak Brook, Illinois 60523**

**I.D. Number 043110AAC**

Prepared by:

**ECSI, INC.  
PO Box 848  
San Clemente, California 92674-0848**

Prepared on:

**October 14, 2016**

*ECSi*

## CONTACT SUMMARY

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### TEST DATE

Monday, December 12, 2016

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*ECSi*

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## 1.0 INTRODUCTION

ECSi, Inc. proposes to conduct air pollution source testing of one ethylene oxide (EtO) emission control system operated by Sterigenics US, LLC. at their Willowbrook II facility, located at 830 Midway Drive. The device to be tested is a two-stage Advanced Air Technologies (AAT) Safe Cell emission-control system, comprised of a packed-tower chemical scrubber (SC1) and a dry-bed reactor (SC2), used to control emissions from two aeration rooms and from four sterilizer vacuum pumps.. The purpose of the testing program will be to demonstrate continued compliance with the conditions established in the Air Quality Permit granted to Sterigenics by the Illinois Environmental Protection Agency (IEPA).

## 2.0 EQUIPMENT

At Willowbrook II, sterilizer vacuum pump emissions and aeration emissions are controlled by:

- One two-stage Advanced Air Technologies Safe Cell emission-control system, comprised of a packed-tower chemical scrubber (SC1), equipped with a packed reaction/interface column, a scrubber fluid recirculation system, and a scrubber fluid reaction/storage tank, and a dry bed reactor/scrubber (SC2), comprised of a bank of solid-bed reaction vessels, connected in parallel, installed downstream of SC1 and upstream of a dedicated blower exhaust system.

### 3.0 TESTING

EtO source testing will be conducted in accordance with the procedures outlined in USEPA CFR40, Part 63.365. EtO emissions monitoring will be conducted simultaneously at the inlet and outlet of the AAT System during the first chamber evacuation of the sterilizer exhaust phase of one of the three sterilizers, and during a one-hour time interval of the aeration process. A total of three exhaust-phase test runs, and three aeration test runs will be performed.

Exhaust phase testing with one sterilizer discharging to the scrubber at a time represents worst-case conditions for demonstration of control efficiency compliance. At this lower inlet loading, the scrubber must perform at its maximum efficiency to achieve outlet EtO concentrations low enough to demonstrate compliance.

During the first chamber evacuation of the exhaust phase, EtO emissions to the inlet of the AAT System will be determined using the Ideal Gas Law and the chamber conditions at the beginning and at the end of the first chamber evacuation. During the first chamber evacuation of the exhaust phase, EtO emissions from the outlet of the AAT System will be determined using direct source sample injection into the GC. During aeration testing, EtO emissions at the inlet and the outlet of the Safe Cell System will be determined using direct source sample injection into a GC.

All exhaust phase testing will be conducted during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. All aeration testing will be performed during normal process load conditions, after freshly sterilized product has been transferred into an aeration chamber/room. The testing program will be conducted in accordance with the procedures outlined in the following sections.

#### 4.0 RULE/COMPLIANCE REQUIREMENTS

The EtO gas-sterilization system at the Willowbrook II facility is being tested to demonstrate compliance with the EPA requirements, as specified in the IEPA Air Quality Permit. The following requirements must be met:

- The sterilizer exhaust phase (post exposure vacuum pulses) emissions must be vented to control equipment with an EtO emission-reduction efficiency of at least 99 % by weight.
- The emissions from the aeration process must be discharged to control equipment with an EtO emission-reduction efficiency of at least 99.0% by weight or by a maximum concentration of 1 ppmv, whichever is less stringent..

Testing is required to demonstrate compliance with these requirements. Source testing of the AAT System emission-control device is required initially, and may be required periodically thereafter.

## 5.0 TEST METHOD REFERENCE

### 5.1 INTRODUCTION

EtO source testing will be conducted in accordance with the procedures outlined in USEPA CFR40, Part 63.365. EtO emissions monitoring will be conducted simultaneously at the inlet and outlet of the AAT System during the first chamber evacuation of the sterilizer exhaust phase of one of the three sterilizers. A total of three exhaust-phase test runs will be performed.

Exhaust phase testing with one sterilizer discharging to the scrubber at a time represents worst-case conditions for demonstration of control efficiency compliance. At this lower inlet loading, the scrubber must perform at its maximum efficiency to achieve outlet EtO concentrations low enough to demonstrate compliance.

During the first chamber evacuation of the exhaust phase, EtO emissions to the inlet of the AAT System will be determined using the Ideal Gas Law and the chamber conditions at the beginning and at the end of the first chamber evacuation. During the first chamber evacuation of the exhaust phase, EtO emissions from the outlet of the AAT System will be determined using direct source sample injection into the GC. During aeration testing, EtO emissions at the inlet and the outlet of the Safe Cell System will be determined using direct source sample injection into a GC.

All exhaust phase testing will be conducted during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. All aeration testing will be performed during normal process load conditions, after freshly sterilized product has been transferred into an aeration chamber/room. The testing program will be conducted in accordance with the procedures outlined in the following sections.

Operation and documentation of process conditions will be performed by personnel from Sterigenics, Inc. using existing monitoring instruments installed by the manufacturer on the equipment to be tested. In accordance with the procedures established in USEPA CFR40, Part 63, Subpart O, scrubber liquor level will be recorded.



Exhaust gas flow at the outlet of the scrubber will be determined by 40 CFR 60, Appendix A, Method 2, using an s-type pitot tube and an inclined-oil manometer. Sampling ports will be located in accordance with 40 CFR 60, Appendix A, Method 1. The test ports will be located far enough from any flow disturbances to permit accurate flow measurement.

Temperature measurements will be obtained from a type K thermocouple and thermometer attached to the sampling probe. Exhaust gas composition will be assumed to be air and small amounts of water vapor. Water vapor will be negligible and, based on previous test data, a value of 2 percent will be used for flow calculations.

## 5.3

## CONTROL EFFICIENCY AND MASS EMISSIONS MEASUREMENT

During the first chamber evacuation of the sterilizer exhaust phase, the mass emissions of EtO vented to the inlet of the scrubber will be determined using the procedures outlined in CFR40, Part 63.365. This method allows the determination of the mass of EtO vented to the inlet of the scrubber through calculations based on the Ideal Gas Law and using the conditions (pressure, temperature, volume) of the sterilization chamber immediately after it has been charged with sterilant gas, and upon conclusion of the first chamber evacuation of the exhaust phase.

The mass of EtO vented to the inlet of the scrubber during the first chamber evacuation of the exhaust phase will be determined by calculating the mass of EtO present in the chamber after the first chamber evacuation and subtracting it from the mass of EtO present in the chamber after it has been charged with sterilant gas. The mass of EtO present in the chamber will be calculated using Equation 1, shown below in Section 5.9.

During the first chamber evacuation of the sterilizer exhaust phase, EtO emissions from the outlet will be determined using direct source sample injection into the GC. During the first chamber evacuation of the sterilizer exhaust phase, EtO emissions from the outlet will be determined using direct source sample injection into the GC. During aeration, EtO emissions to the inlet and from the outlet will be determined using direct source sample injection into the GC. The mass of EtO emitted from the outlet will be determined using Equation 2, shown below in Section 5.9. Mass-mass control-efficiency of EtO during the sterilizer exhaust phase and aeration will be calculated by comparing the mass of EtO vented to the system inlet to the mass of EtO vented from the system outlet.

During the sterilization chamber exhaust phase and aeration testing, vented gas will be analyzed by an SRI, Model 8610, portable gas chromatograph (GC), equipped with the following: dual, heated sample loops and injectors; dual columns; and dual detectors. A flame ionization detector (FID) will be used to quantify emissions at the AAT System inlet, and a photoionization detector (PID) will be used to quantify low-level EtO emissions at the AAT System outlet.

#### **5.4 SAMPLE TRANSPORT**

Source gas will be pumped to the GC at approximately 500-1000 cubic centimeters per minute (cc/min) from the sampling ports through two lengths of Teflon<sup>®</sup> sample line, each with a nominal volume of approximately 75 cubic centimeters (cc) and an outer diameter of 0.25 inch. At the inlet, the sampling port will be located in the discharge duct immediately upstream of SC1. At the outlet, the sampling ports will be located in the exhaust stack.

#### **5.5 GC INJECTION**

Source-gas samples will then be injected into the GC which will be equipped with two heated sampling loops, each containing a volume of approximately 2cc and maintained at 100 degrees Celsius (C). Injections will occur at approximately one-minute intervals during the sterilization chamber exhaust phase, and at approximately five-minute intervals during aeration testing. Helium will be the carrier gas for both the FID and PID.

#### **5.6 GC CONDITIONS**

The packed columns for the GC will both be operated at 80 degrees C. The columns will be stainless steel, 6 feet long, 0.125 inch outer diameter, packed with 1 percent SP-1000 on 60/80 mesh Carbopack B.

During the analysis, the FID will be operated at 250 degrees C. The support gases for the FID will be hydrogen (99.995% pure) and air (99.9999% pure). Any unused sample gas will be vented from the GC system back to the inlet of the AAT System.

#### **5.7 CALIBRATION STANDARDS**

The FID used at the inlet will be calibrated for part-per-million-by-volume (ppmv)-level analyses using gas proportions similar to the following:

- 1) 100 ppmv EtO, balance nitrogen
- 2) 50 ppmv EtO, balance nitrogen (audit gas)
- 3) 10 ppmv EtO, balance nitrogen
- 4) 1 ppmv EtO, balance nitrogen

The PID used at the outlet will be calibrated for ppmv-level analyses using gas proportions similar to the following:

- 1) 100 ppmv EtO, balance nitrogen
- 2) 50 ppmv EtO, balance nitrogen (audit gas)
- 3) 10 ppmv EtO, balance nitrogen
- 4) 1 ppmv EtO, balance nitrogen

Each of these calibration standards will be in a separate, certified manufacturer's cylinder. Copies of the calibration gas laboratory certificates will be included with the final report.

## **5.8 SAMPLING DURATION**

Exhaust phase EtO measurements will be taken for the entire duration of the first chamber evacuation, which will be approximately 15-30 minutes. This will encompass a total sampling duration of approximately 15-30 minutes for each exhaust phase test run.

Since aeration is a 24-hour process at this facility, with constant discharge flow from the aeration chambers to the emission-control system, aeration testing will consist of a total of three 1-hour test runs. Each test run will be performed after freshly sterilized product has been transferred into an aeration room.

## **5.9 CONTROL-EFFICIENCY/MASS-EMISSIONS CALCULATIONS**

The following equation will be used to calculate mass of EtO discharged to the inlet of the emission-control system during the first chamber evacuation of the sterilizer exhaust phase:

EQUATION 1:

$$W_c = W_d - W_{df}$$

Where:

$W_c$  = Weight of EtO discharged from the sterilization chamber to the emission-control system during the first chamber evacuation, pounds

$$W_d = (mw)(p)(P)(V)/(R)(T)$$

(and  $W_{df}$ )

Where:

$W_d$  = Weight of EtO present in the sterilization chamber before the first chamber evacuation, pounds

$W_{df}$  = Weight of EtO present in the sterilization chamber after the first chamber evacuation, pounds

MW = Molecular weight of EtO, 44.05 lb/mol

$p$  = Percent of EtO in chamber

$$= W_s/W_i$$

Where:

$W_s$  = Scale-measured weight of EtO charged into sterilization chamber

$W_i$  = Calculated weight of EtO charged into sterilization chamber (@ 100%)

$P$  = Sterilization chamber pressure (after charging/at the end of the 1st evac), psia

$V$  = Sterilization chamber volume, ft<sup>3</sup>

$R$  = Gas constant, 10.73 psia·ft<sup>3</sup>/mol·°R

$T$  = Sterilization chamber temperature (after charging/at the end of the 1st evac), °R

Note: Standard conditions are 68°F and 1 atm.

Mass emissions of EtO during the exhaust phase will be calculated using the following equation:

EQUATION 2:

$$\text{MassRate} = (\text{VolFlow})(\text{MolWt})(\text{ppmv EtO}/10^6)/(\text{MolVol})$$

Where:

MassRate = EtO mass flow rate, pounds per minute

VolFlow = Corrected volumetric flow rate, standard cubic feet per minute at 68 degrees F

MolWt = 44.05 pounds EtO per pound mole

ppmv EtO = EtO concentration, parts per million by volume

$10^5$  = Conversion factor, ppmv per "cubic foot per cubic foot"  
Mol/Vol = 385.32 cubic feet per pound mole at one atmosphere and 68 degrees F

Mass-mass control efficiency of EtO will be calculated for first chamber evacuation of the sterilization chamber exhaust phase and for aeration. Results of the control-efficiency testing will be summarized in the final report.

## 6.0 TEST SCENARIO

During exhaust phase testing, each sterilizer will be tested during normal process load conditions, but with an empty sterilization chamber to facilitate the performance of multiple test runs. All aeration testing will be performed during normal process load conditions, after freshly sterilized product has been transferred into an aeration chamber/room. A total of three exhaust-phase and three aeration test runs will be performed to verify the performance of the emission-control device. Testing will be conducted with an effort to offer minimal disruption to the Sterigenics production schedule. The testing schedule will be as follows:

- 1) Testing equipment is set up and calibrated.
- 2) Aeration Test Run #1 is performed with freshly sterilized product transferred into aeration. Sampling is performed at the inlet and outlet of the AAT System.
- 3) Aeration Test Run #2 is performed with freshly sterilized product transferred into aeration. Sampling is performed at the inlet and outlet of the AAT System.
- 4) Aeration Test Run #3 is performed with freshly sterilized product transferred into aeration. Sampling is performed at the inlet and outlet of the AAT System.
- 5) An empty-chamber cycle is started in one of the sterilizers.
- 6) Exhaust Phase Test Run #1 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the AAT System.
- 7) An empty-chamber cycle is started in one of the sterilizers.
- 8) Exhaust Phase Test Run #2 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the AAT System.
- 9) An empty-chamber cycle is started in one of the sterilizers.
- 10) Exhaust Phase Test Run #3 is conducted. Sampling is performed at outlet of the scrubber during the first chamber evacuation of the test chamber. During the performance of the test, only the sterilizer used for the test is allowed to discharge to the AAT System.
- 11) Post calibration check is performed. Testing equipment is shut down and packed.

### 7.1 FIELD TESTING QUALITY ASSURANCE

At the beginning of the test, the sampling system will be leak checked at a vacuum of 15 inches of mercury. The sampling system will be considered leak free when the flow indicated by the rotameters falls to zero.

At the beginning of the test, a system blank will be analyzed to ensure that the sampling system is free of EtO. Ambient air will be introduced at the end of the heated sampling line and drawn through the sampling system line to the GC for analysis. The resulting chromatogram also will provide a background level for non-EtO components (i.e. ambient air, carbon dioxide, water vapor) which are present in the source gas stream due to the ambient dilution air which is drawn into the emission-control device, and due to the destruction of EtO by the emission-control device which produces carbon dioxide and water vapor. This chromatogram, designated AMB, will be included with the calibration data in the final report.

### 7.2 CALIBRATION PROCEDURES

The GC system will be calibrated at the beginning and conclusion of each day's testing. Using the Peaksimple II analytical software, a point-to-point calibration curve will be constructed for each detector. A gas cylinder of similar composition as the calibration gases, but certified by a separate supplier, will be used to verify calibration gas composition and GC performance.

All calibration gases and support gases used will be of the highest purity and quality available. A copy of the laboratory certification for each calibration gas will be included in the final report.

## 8.0 FINAL TEST REPORT DESCRIPTION

The test results will be summarized in a written report. This report will be submitted to the IEPA no later than sixty days after the conclusion of the field testing. It will include results for EtO control efficiency of the emission-control system. The report will contain:

- Summary tables with comparisons of the test results to rule limits;
- Copies of all intermediate data tables and calculation worksheets;
- Copies of all GC chromatograms from calibration runs and sample injections; and
- Laboratory calibration certificates for all calibration and audit gases and all applicable measurement instruments such as pitot tubes and thermocouples.





October 6, 2003

U.S Environmental Protection Agency-Region 5  
Air Enforcement and Compliance Assurance Branch  
Attn: Compliance Tracker (AE-17J)  
77 West Jackson Blvd.  
Chicago, IL. 60604-3590

**Re: IBA/Griffith Micro Science Administrative Order-Willowbrook I & II Weekly  
Aeration Room Test Results for Third Quarter 2003**

Dear Ms. Bush:

IBA is hereby submitting the weekly ethylene oxide emission results of the sampling of the inlet and outlet duct for the AAT Dry Beds for both Willowbrook I & II. This information is being submitted as required by section 40 of the Administrative Order issued on December 24, 2002. The weekly ethylene oxide emission data is presented in Tables One through Three. Additionally, per section 11 of Attachment A of the Order, we have included chromatograms for the Perkin Elmer and Baseline Gas Chromatographs. They are Attachment A and B respectively.

Since, we did not exceed the Tier I Ethylene Oxide usage for either Willowbrook I or II we did not send any bag samples out for analysis as required by section 5.1 or 5.2 of the Tiered Monitoring Plans.

Lastly, neither of AAT Dry Beds for the Willowbrook facilities was replaced during the quarter.

Call me with any questions you might have with regard to this quarterly monitoring report or the attachments. You can reach me at 630-928-1724.

Yours truly,

  
Stephen Dana Morris  
Director, EH&S

Enclosures: Tables one-three  
Attachment A-B

**RECEIVED**

OCT 07 2003

AIR ENFORCEMENT BRANCH,  
U.S. EPA, REGION 5



Page Two

IBA/Griffith Micro Science  
Administrative Order-  
Willowbrook I & II Weekly  
Aeration Room Test  
Results for Third Quarter  
2003

cc: Julie Armitage, Section Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Kathleen Hoffman, Vice-President EH&S  
John Gilbert, Vice-President Operations  
Jack Fitzpatrick, Willowbrook General Manager  
Corey Grauer, Esq.  
Byron F. Taylor, Esq.  
Sidley Austin Brown & Wood

Page 2 of 2

**TABLE ONE**  
**WILLOWBROOK I AAT DRY BED-AERATION TESTING**  
**FOR THIRD QUARTER 2003**

Date	Perkin Elmer	Outlet Concentration must be < 1 ppm		Baseline	Outlet Concentration must be < 1 ppm	
		WB1 Aeration Exhaust			WB1 Aeration Exhaust	
		Dry Bed Inlet	Dry Bed Outlet		Dry Bed Inlet	Dry Bed Outlet
		<i>EtO Concentration (ppm)</i>	<i>EtO Concentration (ppm)</i>		<i>EtO Concentration (ppm)</i>	<i>EtO Concentration (ppm)</i>
07/01/2003		6.94	0.08		11.8	0.258
07/11/2003		6.2	0.0		11.3	0.147
07/18/2003		12.25	0.16		18.5	0.158
07/24/2003		7.53	0.95		11.5	0.251
07/29/2003		3.59	0.00		5.09	0.292
08/04/2003		8.47	0.13		6.96	0.168
08/13/2003		6.66	0.0		10.3	0.260
08/21/2003		3.32	0.16		6.67	0.454
08/27/2003		10.85	0.4		15.4	0.488
09/06/2003		SB	SB		4.97	0.156
09/12/2003		14.12	0.18		15.3	0.313
09/17/2003		11.42	0.41		8.08	0.405
09/22/2003		16.14	0.52		14.2	0.505

KEY  
SB=SYSTEM WAS BROKEN

**TABLE THREE**  
**WILLOWBROOK II AAT DRY BED CHAMBER TESTING**  
**FOR THIRD QUARTER 2003**

Date	Perkin Elmer	Outlet Concentration must be < 60 ppm		Baseline	Outlet Concentration must be < 60 ppm	
		WB2 Chamber Exhaust	Dry Bed Inlet		WB2 Chamber Exhaust	Dry Bed Inlet
		<i>Dry Bed Inlet</i>	<i>Dry Bed Outlet</i>		<i>Dry Bed Inlet</i>	<i>Dry Bed Outlet</i>
		<i>EtO Concentration (ppm)</i>	<i>EtO Concentration (ppm)</i>		<i>EtO Concentration (ppm)</i>	<i>EtO Concentration (ppm)</i>
07/01/2003		136.82	0.0		46.3	0.588
07/11/2003		85.84	0.0		54.3	0.11
07/18/2003		63.77	0.15		43.7	0.14
07/24/2003		66.65	0.23		43.7	0.706
07/29/2003		70.16	1.81		23.5	BMDL*
08/04/2003		99.73	0.0		37.5	0.079
08/13/2003		85.11	0.37		45.0	0.342
08/21/2003		65.51	2.31		51.6	0.391
08/27/2003		110.09	0.36		52.5	0.207
09/06/2003		SB	SB		35.3	0.792
09/12/2003		106.85	0		46.9	0.386
09/17/2003		111.96	0.16		53.5	0.334
09/22/2003		22.79	0.18		19.5	0.553

• Key: BMDL=Below Minimum Detection Level  
 SB=SYSTEM WAS BROKEN

**TABLE TWO**  
**WILLOWBROOK II AAT DRY BED AERATION**  
**TESTING**  
**FOR THIRD QUARTER 2003**

Date	Perkin Elmer	Outlet Concentration must be < 1 ppm		Baseline	Outlet Concentration must be < 1 ppm	
		WB2 Aeration Exhaust			WB2 Aeration Exhaust	
		Dry Bed Inlet EtO Concentration (ppm)	Dry Bed Outlet EtO Concentration (ppm)		Dry Bed Inlet EtO Concentration (ppm)	Dry Bed Outlet EtO Concentration (ppm)
07/01/2003		2.49	0 0		2.22	0.33
07/11/2003		5.86	0.0		3.65	0.144
07/18/2003		22.72	0.38		29.1	0.329
07/24/2003		6.27	0.72		10.0	0.219
07/29/2003		2.30	0.09		3.29	0.266
08/04/2003		3.33	0 0		2.43	0.109
08/13/2003		42.94	0.0		37.5	0.603
08/21/2003		3.28	0.15		8.97	0.419
08/27/2003		13.08	0 0		17.90	0.093
09/06/2003		SB	SB		9.02	0 167
09/12/2003		3.8	0 00		4 66	0 576
09/17/2003		5.20	0 0		3.4	0 417
09/22/2003		1.16	0.0		2.94	0 283

\* Key: BMDL=Below Minimum Detection Level

\*\*SB- SYSTEM WAS BROKEN

**ATTACHMENT A**

**WILLOWBROOK I & II  
THIRD QUARTER  
(July to September 2003)**

**AERATION ROOM & CHAMBER DISCHARGE TESTING  
PERKIN ELMER RESULTS**

3.0 PPM

Monitor Single Port

Port: Diagnostic

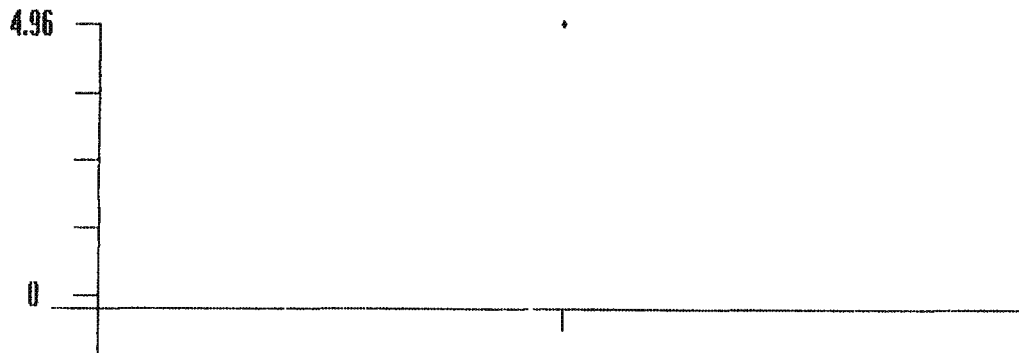
Component: ETO

Start Time: Jul 1, 2003 14:43

End Time: Jul 1, 2003 14:43

Number of points: 1

Average Value: 4.96



Jul/01/2003 14:43 4.96

Monitor Single Port

1.1 PPM

Port: Diagnostic

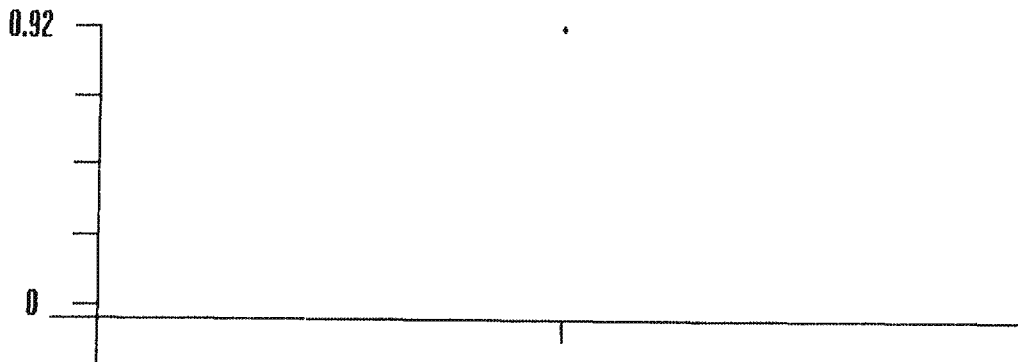
Component: ETO

Start Time: Jul 1, 2003 15:05

End Time: Jul 1, 2003 15:05

Number of points: 1

Average Value: 0.92



Jul/01/2003 15:05 .92



WBI outlet

Monitor Single Port

Port: Diagnostic

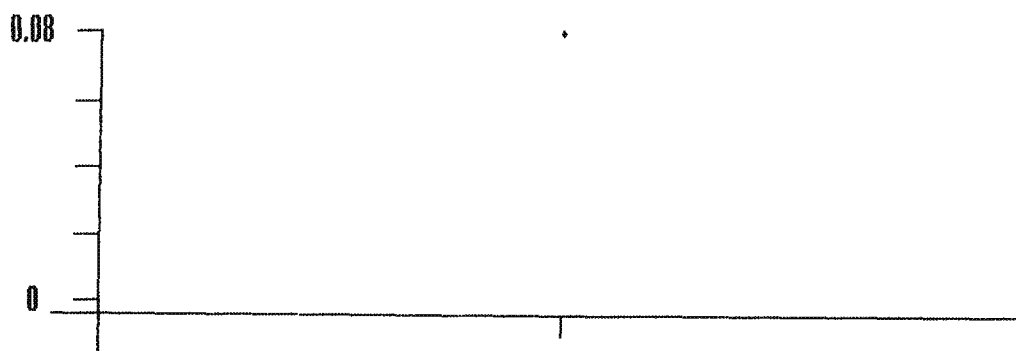
Component: ETO

Start Time: Jul 1, 2003 15:11

End Time: Jul 1, 2003 15:11

Number of points: 1

Average Value: 0.08



Jul/01/2003 15:11 .08

WBI inlet

Monitor Single Port

Port: Diagnostic

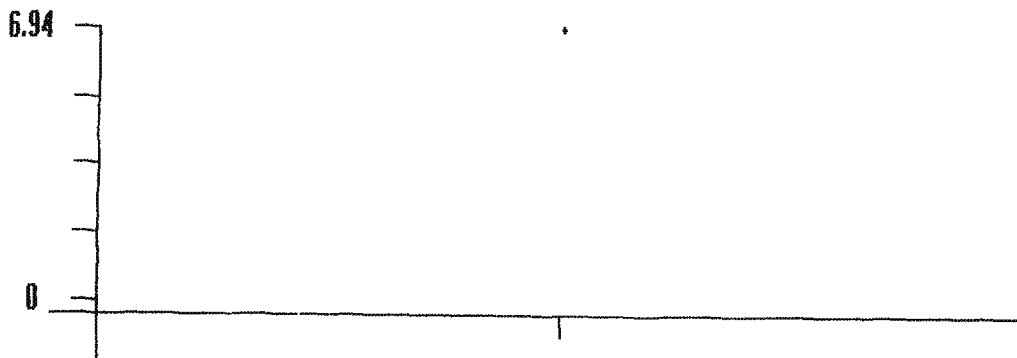
Component: ETO

Start Time: Jul 1, 2003 15:16

End Time: Jul 1, 2003 15:16

Number of points: 1

Average Value: 6.94



Jul/01/2003 15:16 6.94

WB I outlet

Monitor Single Port

Port Diagnostic

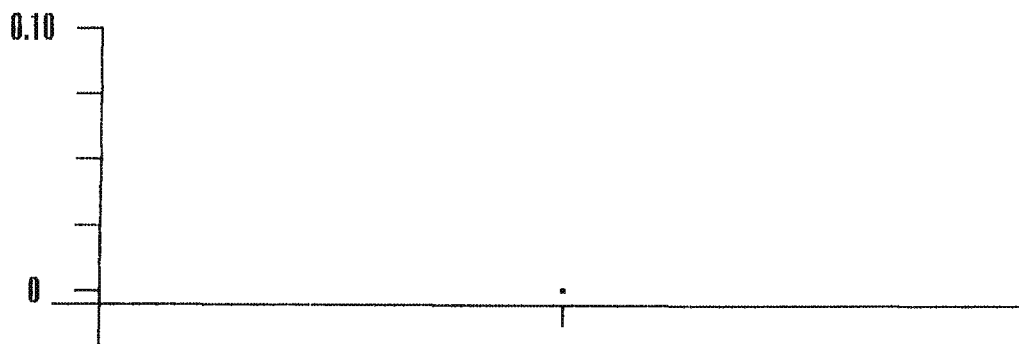
Component: ETO

Start Time: Jul 1, 2003 15:21

End Time: Jul 1, 2003 15:21

Number of points: 1

Average Value: 0.00



Jul/01/2003 15:21 .00

WB ~~DI~~ inlet

Monitor Single Port

Port: Diagnostic

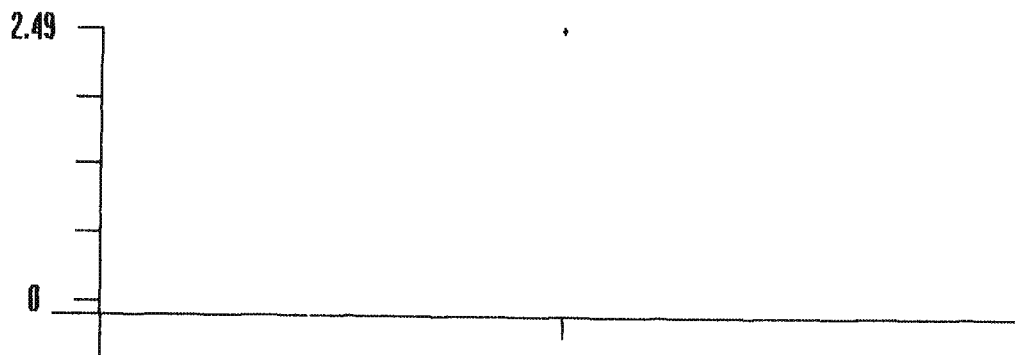
Component: ETO

Start Time: Jul 1, 2003 15:26

End Time: Jul 1, 2003 15:26

Number of points: 1

Average Value: 2.49



Jul/01/2003 15:26 2.49

WB II outlet A.F.

Monitor Single Port

Port: Diagnostic

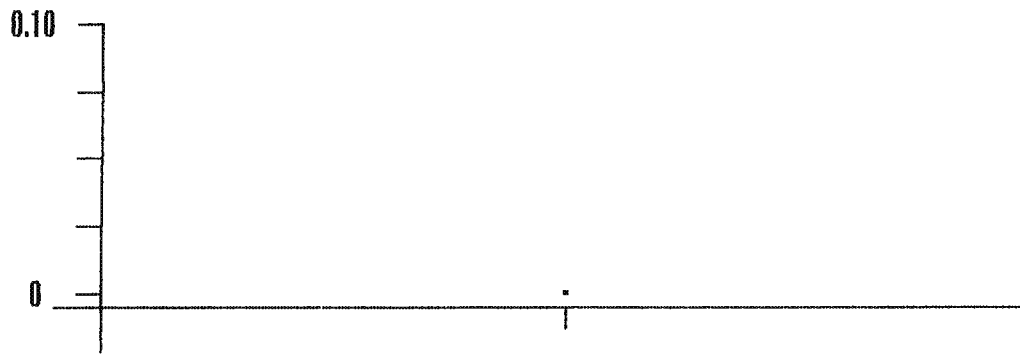
Component: ETO

Start Time: Jul 1, 2003 15:31

End Time: Jul 1, 2003 15:31

Number of points: 1

Average Value: 0.00



Jul/01/2003 15:31 .00

WBI inlet - A.F.

Monitor Single Port

Port: Diagnostic

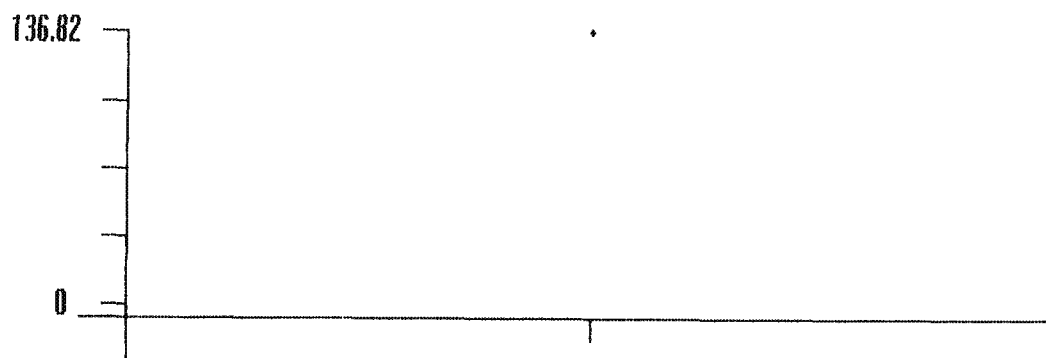
Component: ETO

Start Time: Jul 1, 2003 15:36

End Time: Jul 1, 2003 15:36

Number of points: 1

Average Value: 136.82



Jul 01/2003 15:36 136.82

5.0 PPM  
CRAT. GAS

# Monitor Single Port

Port: Diagnostic

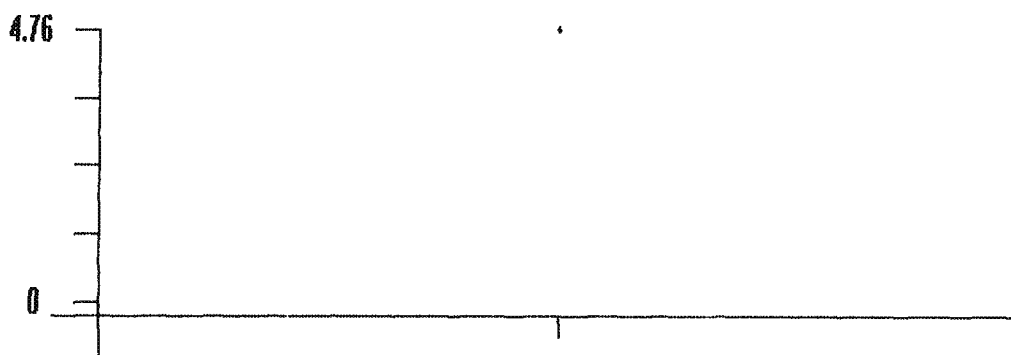
Component: ETO

Start Time: Jul 11, 2003 11:25

End Time: Jul 11, 2003 11:25

Number of points: 1

Average Value: 4.76



WB I  
OUTLET

Monitor Single Port

Port: Diagnostic

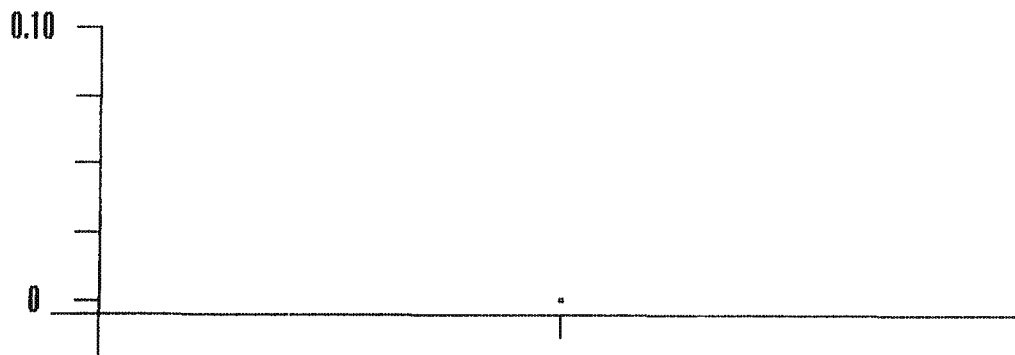
Component: ET0

Start Time: Jul 11, 2003 10:25

End Time: Jul 11, 2003 10:25

Number of points: 1

Average Value: 0.00

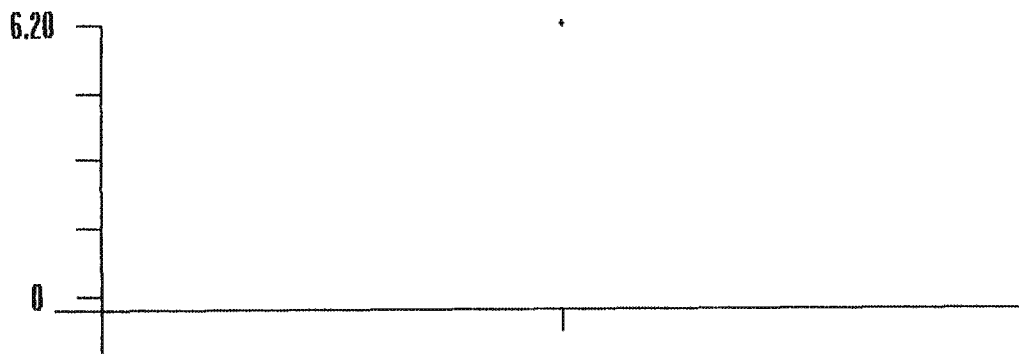




WB I  
INLET

Monitor Single Port

Port: Diagnostic  
Component: ETO  
Start Time: Jul 11, 2003 11:14  
End Time: Jul 11, 2003 11:14  
Number of points: 1  
Average Value: 6.20



WB II

OUTLET

Monitor Single Port

Port: Diagnostic

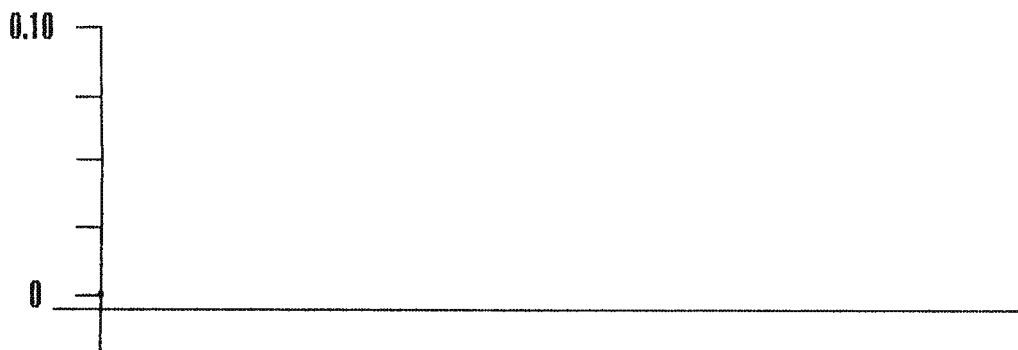
Component: ETO

Start Time: Jul 11, 2003 10:57

End Time: Jul 11, 2003 11:00

Number of points: 2

Average Value: 0.00



WB II  
INLET

# Monitor Single Port

Port: Diagnostic

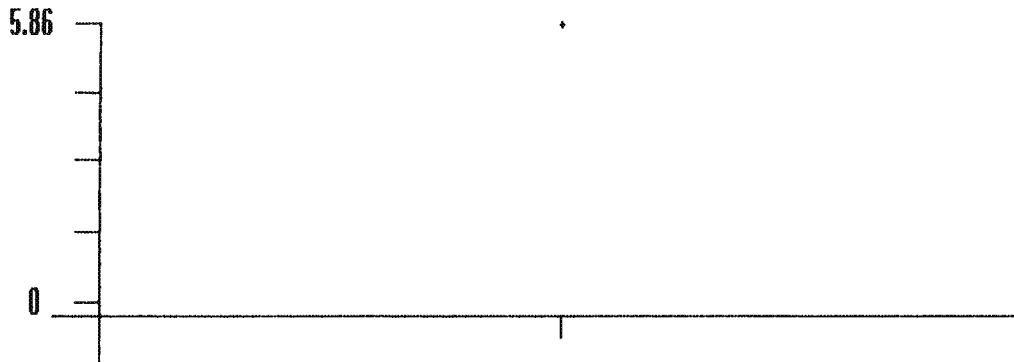
Component: ETO

Start Time: Jul 11, 2003 11:19

End Time: Jul 11, 2003 11:19

Number of points: 1

Average Value: 5.86



WP II  
OUTLET  
AFTER-VAC

Monitor Single Port

Port: Diagnostic

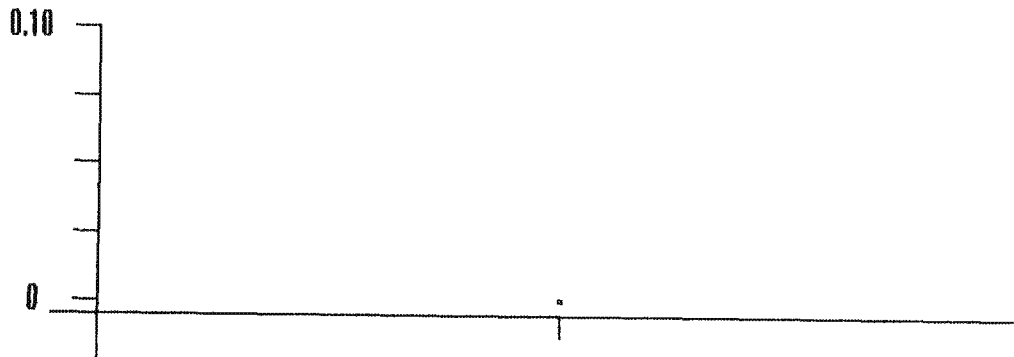
Component: ETO

Start Time: Jul 11, 2003 10:47

End Time: Jul 11, 2003 10:47

Number of points: 1

Average Value: 0.00



WA II  
INLET  
AFTER-VAC

Monitor Single Port

Port: Diagnostic

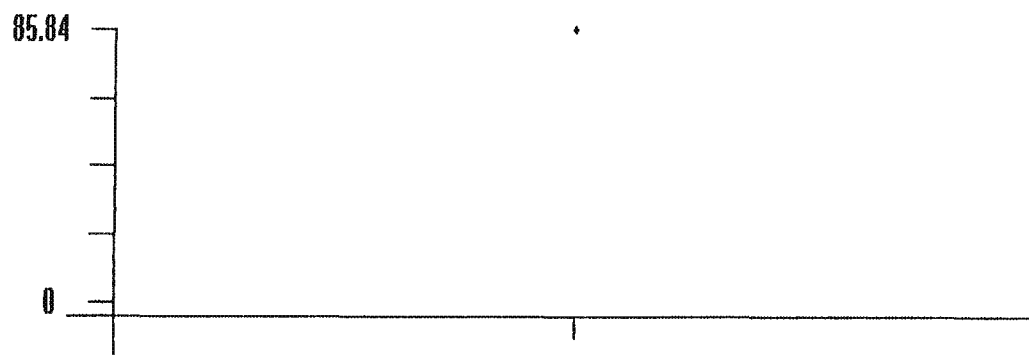
Component: ETO

Start Time: Jul 11, 2003 11:05

End Time: Jul 11, 2003 11:05

Number of points: 1

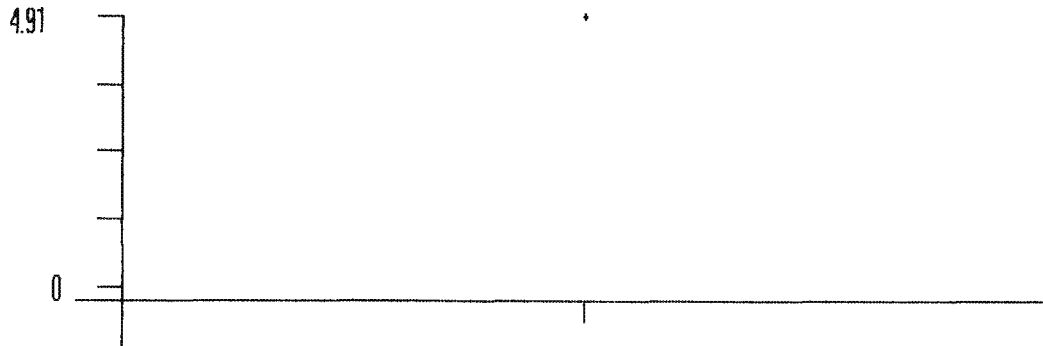
Average Value: 85.84



Monitor Single Port

5,0 PPM

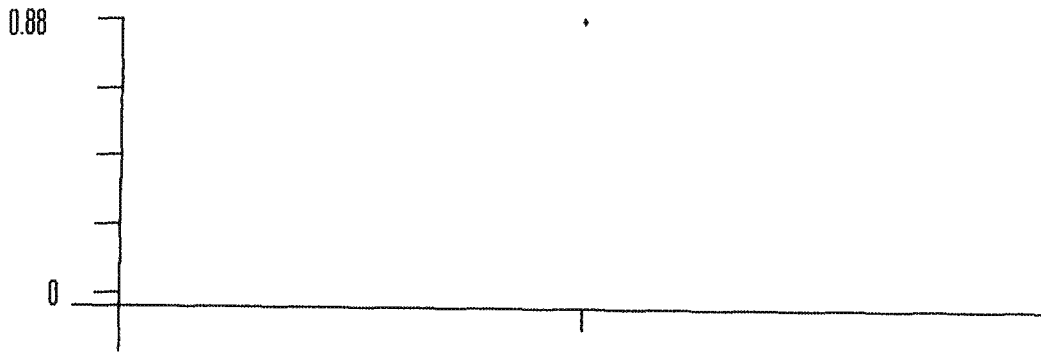
Port	Diagnostic
Component	ETO
Start Time	Jul 18, 2003 10:39
End Time	Jul 18, 2003 10:39
Number of points	1
Average Value	4.91



Monitor Single Port

1,180m

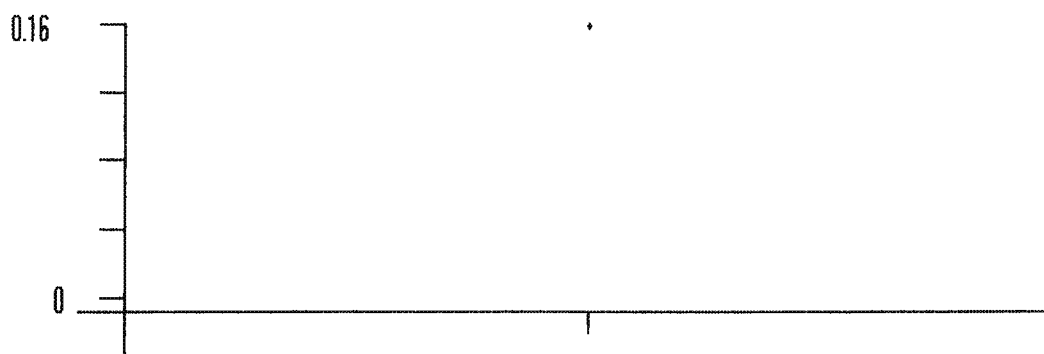
Port	Diagnostic
Component	ETO
Start Time	Jul 18 2003 11 03
End Time	Jul 18, 2003 11 03
Number of points:	1
Average Value	0.88



WBI outlet

Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time	Jul 18, 2003 11:08
End Time	Jul 18, 2003 11:08
Number of points	1
Average Value	0.16

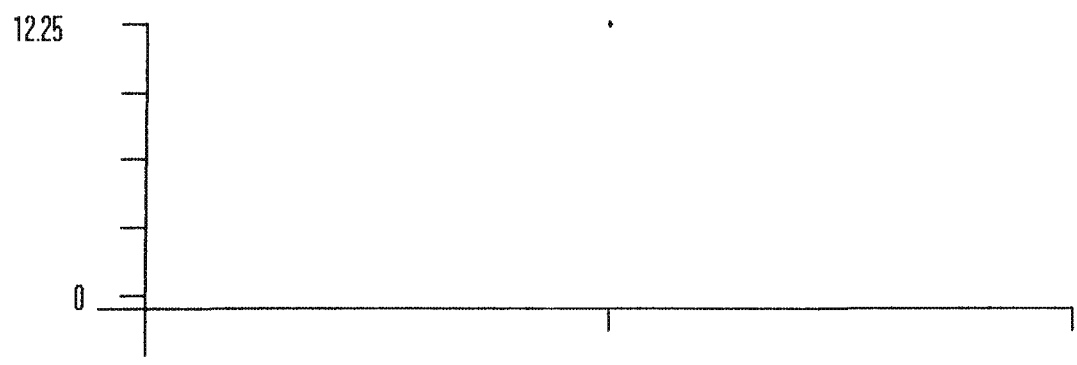




WBI inlet

Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time:	Jul 18 2003 11:13
End Time:	Jul 18, 2003 11:13
Number of points:	1
Average Value	12.25



WB II outlet

Monitor Single Port

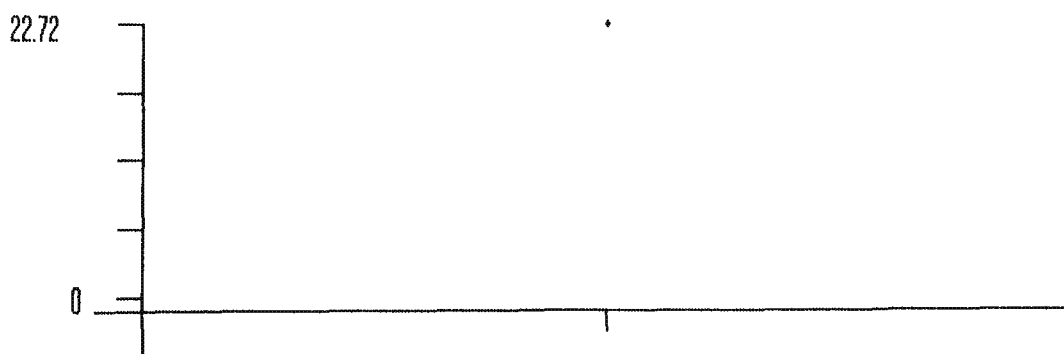
Port	Diagnostic
Component	ETO
Start Time	Jul 18, 2003 11:33
End Time	Jul 18, 2003 11:36
Number of points	2
Average Value	0.38



WB.II inlet

Monitor Single Port

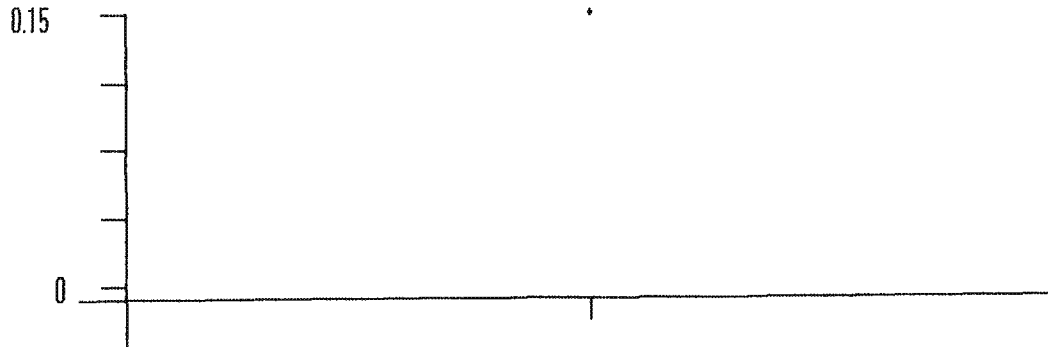
Port	Diagnostic
Component	ETO
Start Time	Jul 18, 2003 11:18
End Time	Jul 18, 2003 11:18
Number of points	1
Average Value	22.72



WBI outlet A.F.

Monitor Single Port

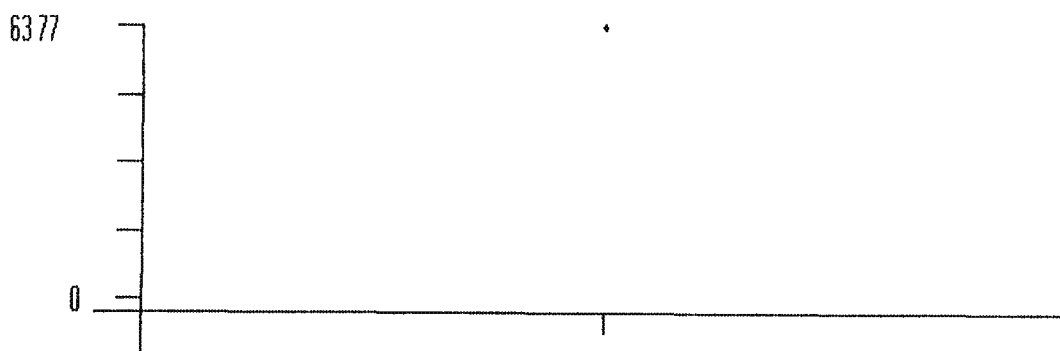
Port	Diagnostic
Component	ETO
Start Time	Jul 18 2003 11 41
End Time	Jul 18, 2003 11 41
Number of points	1
Average Value	0.15



WBH Inlet A.F.

Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time	Jul 18 2003 11:46
End Time	Jul 18, 2003 11:46
Number of points	1
Average Value	63.77



# Monitor Single Port

1.1 ppm

Port: Diagnostic

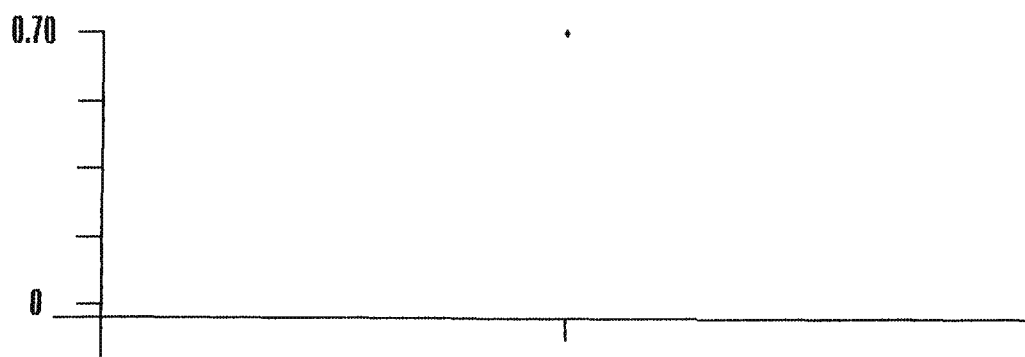
Component: ETO

Start Time: Jul 24, 2003 14:20

End Time: Jul 24, 2003 14:20

Number of points: 1

Average Value: 0.70



5. PPM

# Monitor Single Port

Port: Diagnostic

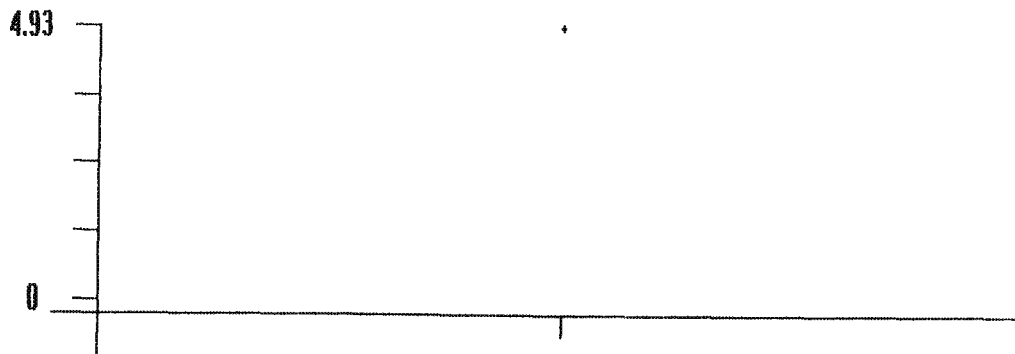
Component: ETO

Start Time: Jul 24, 2003 14:14

End Time: Jul 24, 2003 14:14

Number of points: 1

Average Value: 4.93



Monitor Single Port

WBI outlet

Port: Diagnostic

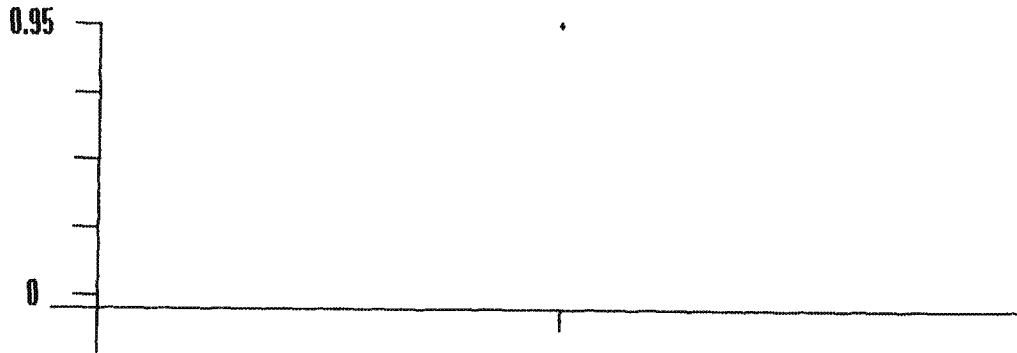
Component: ETO

Start Time: Jul 24, 2003 15:15

End Time: Jul 24, 2003 15:15

Number of points: 1

Average Value: 0.95





# Monitor Single Port

Port: Diagnostic

*WB E inlet*

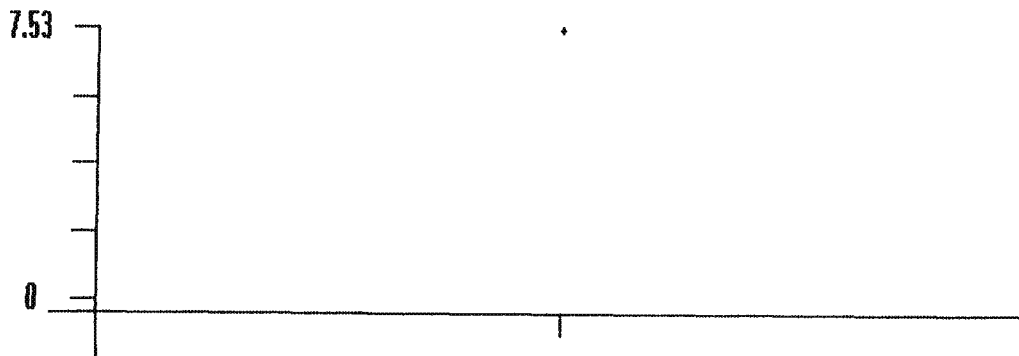
Component: ETO

Start Time: Jul 24, 2003 14:31

End Time: Jul 24, 2003 14:31

Number of points: 1

Average Value: 7.53



Monitor Single Port

WB II outlet

Port: Diagnostic

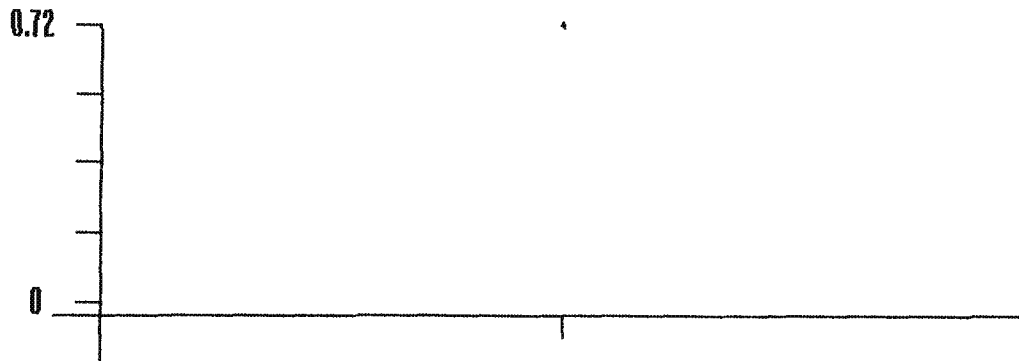
Component: ETO

Start Time: Jul 24, 2003 14:47

End Time: Jul 24, 2003 14:47

Number of points: 1

Average Value: 0.72



WBH inlet

Monitor Single Port

Port: Diagnostic

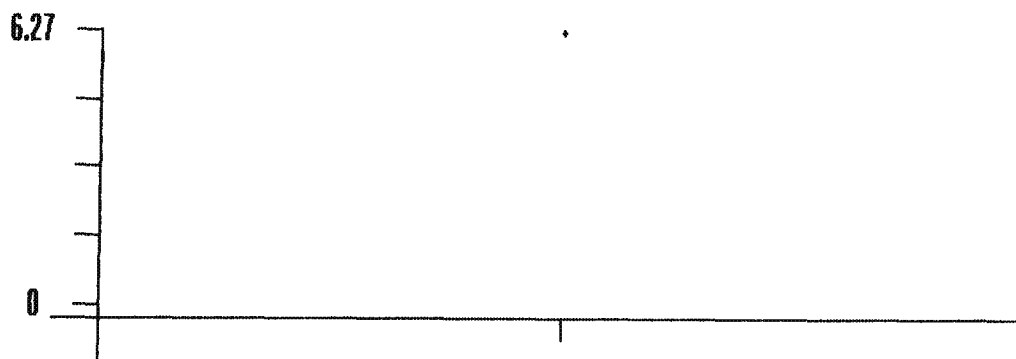
Component: ETO

Start Time: Jul 24, 2003 15:01

End Time: Jul 24, 2003 15:01

Number of points: 1

Average Value: 6.27



UBI outlet A.F.

Monitor Single Port

Port: Diagnostic

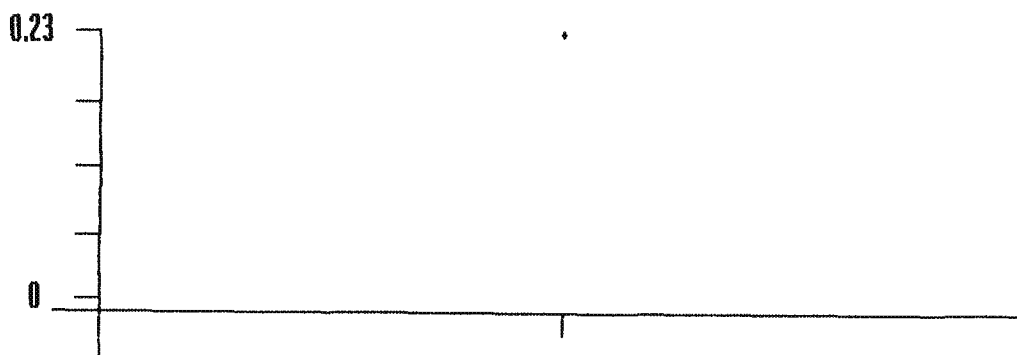
Component: ETO

Start Time: Jul 24, 2003 15:08

End Time: Jul 24, 2003 15:08

Number of points: 1

Average Value: 0.23



WB II Inlet A.F

Monitor Single Port

Port: Diagnostic

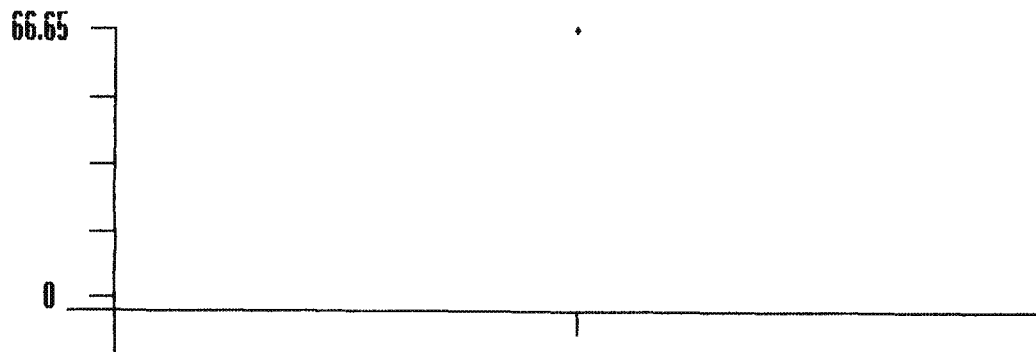
Component: ETO

Start Time: Jul 24, 2003 14:55

End Time: Jul 24, 2003 14:55

Number of points: 1

Average Value: 66.65



Monitor Single Port

1.1 PPM

Port: Diagnostic

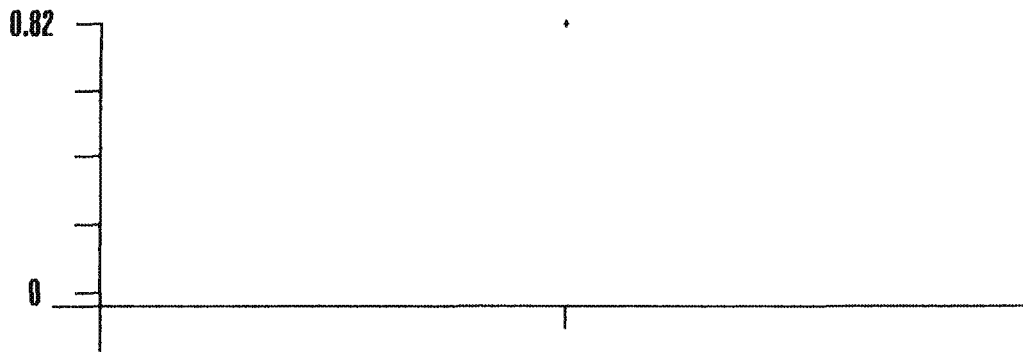
Component: ETO

Start Time: Jul 29, 2003 15:32

End Time: Jul 29, 2003 15:32

Number of points: 1

Average Value: 0.82



5.00PM

Monitor Single Port

Port: Diagnostic

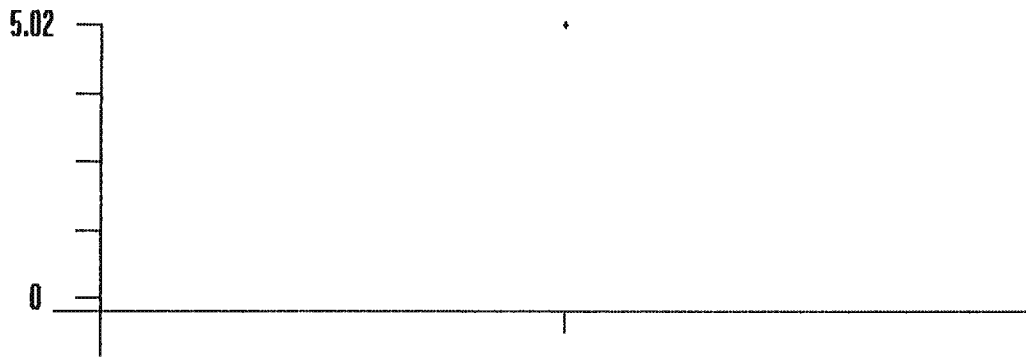
Component: ETO

Start Time: Jul 29, 2003 15:27

End Time: Jul 29, 2003 15:27

Number of points: 1

Average Value: 5.02



WBI outlet

Monitor Single Port

Port: Diagnostic

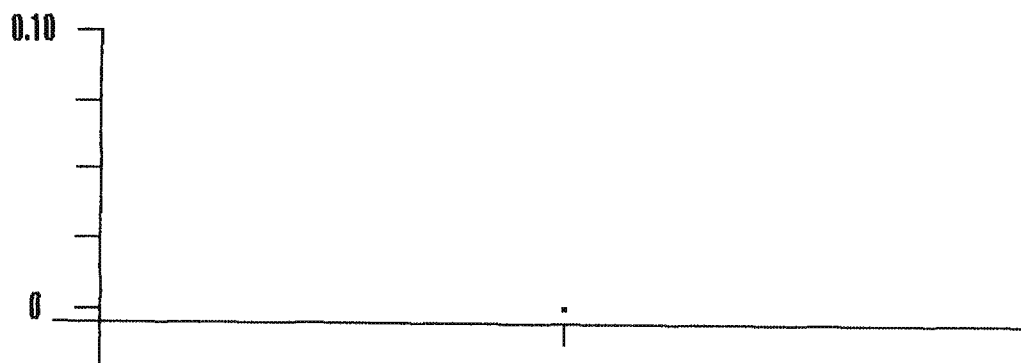
Component: ETO

Start Time: Jul 29, 2003 16:04

End Time: Jul 29, 2003 16:04

Number of points: 1

Average Value: 0.00





Monitor Single Port

WBI inlet

Port: Diagnostic

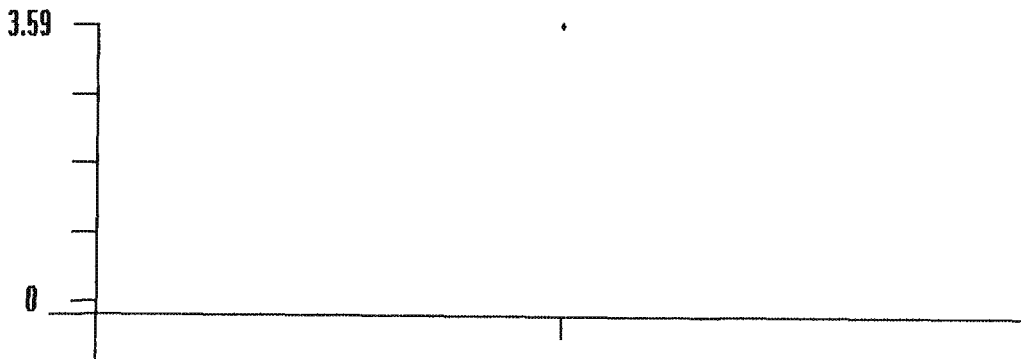
Component: ETO

Start Time: Jul 29, 2003 15:37

End Time: Jul 29, 2003 15:37

Number of points: 1

Average Value: 3.59



WB II outlet

Monitor Single Port

Port: Diagnostic

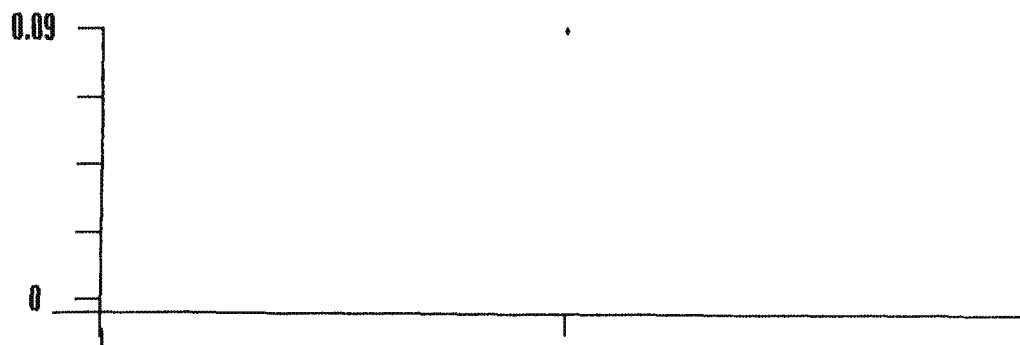
Component: ETO

Start Time: Jul 29, 2003 16:38

End Time: Jul 29, 2003 16:38

Number of points: 1

Average Value: 0.09



WB II inlet

Monitor Single Port

Port: Diagnostic

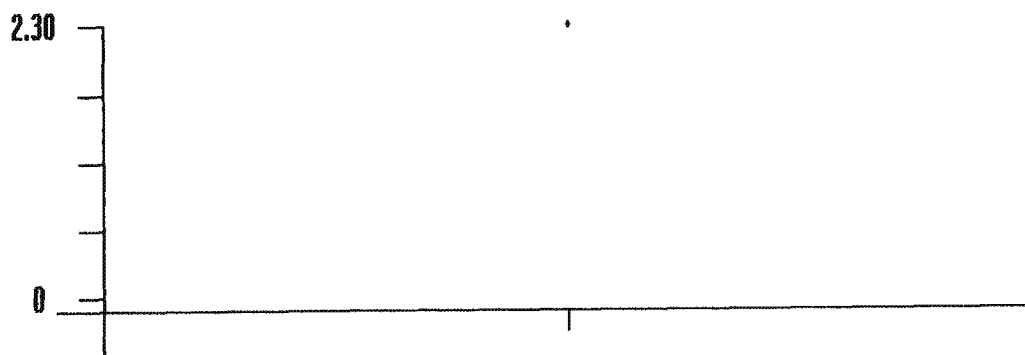
Component: ETO

Start Time: Jul 29, 2003 16:08

End Time: Jul 29, 2003 16:08

Number of points: 1

Average Value: 2.30



Monitor Single Port

WB# outlet A, F<sub>1</sub>

Port: Diagnostic

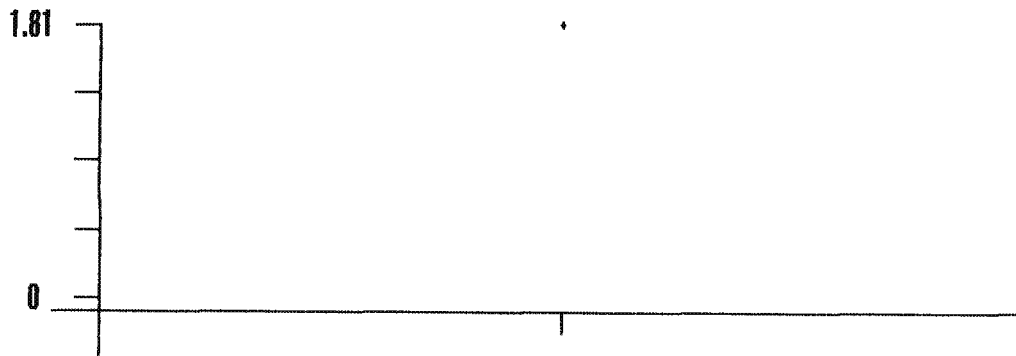
Component: ETO

Start Time: Jul 29, 2003 16:13

End Time: Jul 29, 2003 16:13

Number of points: 1

Average Value: 1.81



WBI inlet AF Monitor Single Port

Port: Diagnostic

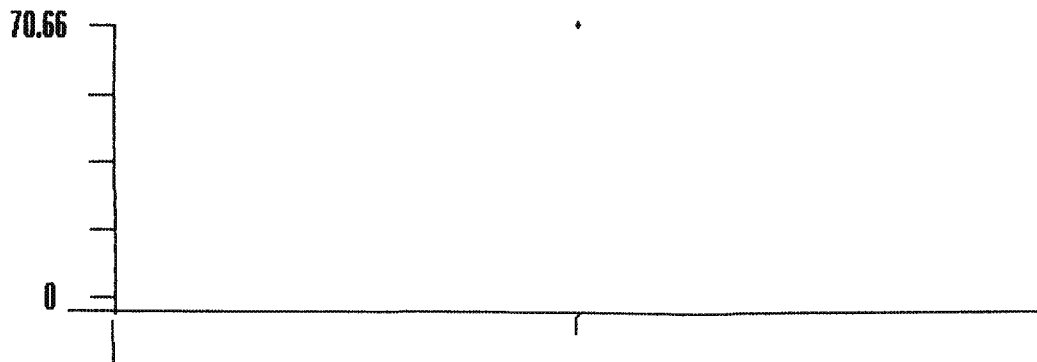
Component: ETO

Start Time: Jul 29, 2003 16:18

End Time: Jul 29, 2003 16:18

Number of points: 1

Average Value: 70.66



1,18PM

Monitor Single Port

Port: Diagnostic

Component: ETO

Start Time: Aug 4, 2003 12:57

End Time: Aug 4, 2003 12:59

Number of points: 2

Average Value: 0.72



5.0 BPM

Monitor Single Port

Port: Diagnostic

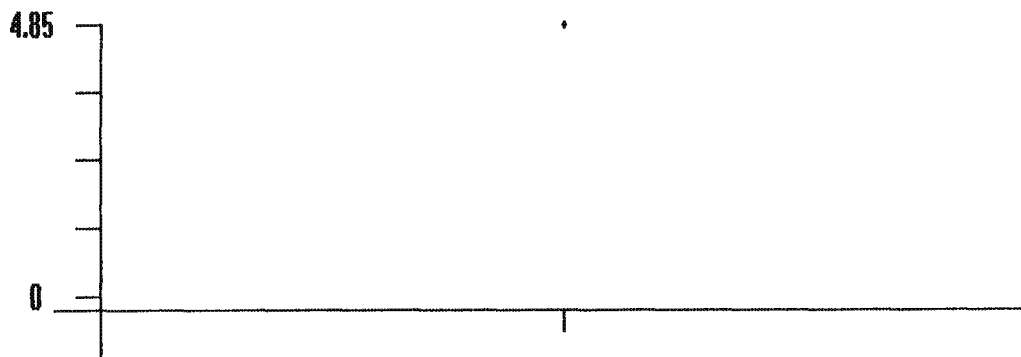
Component: ETO

Start Time: Aug 4, 2003 12:51

End Time: Aug 4, 2003 12:51

Number of points: 1

Average Value: 4.85



WBI outlet

Monitor Single Port

Port: Diagnostic

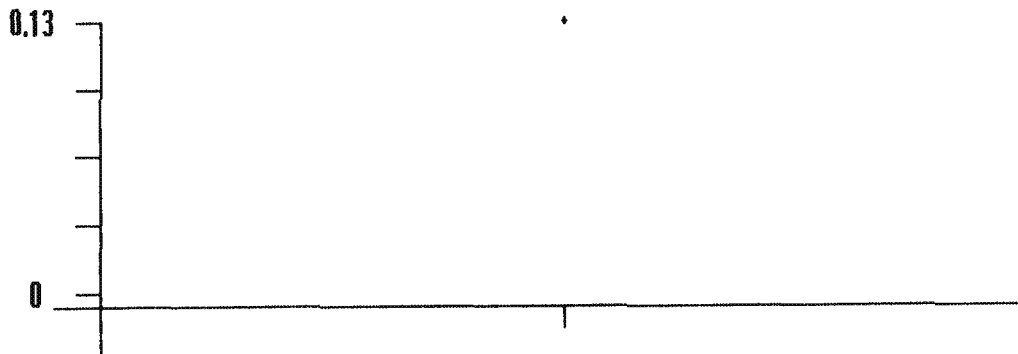
Component: ETO

Start Time: Aug 4, 2003 13:04

End Time: Aug 4, 2003 13:04

Number of points: 1

Average Value: 0.13





WBI inlet

Monitor Single Port

Port: Diagnostic

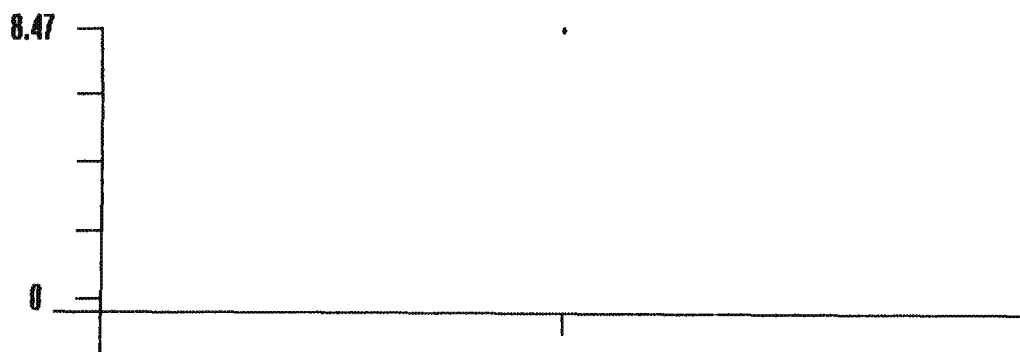
Component: ETO

Start Time: Aug 4, 2003 13:09

End Time: Aug 4, 2003 13:09

Number of points: 1

Average Value: 8.47



WBA outlet

Monitor Single Port

Port: Diagnostic

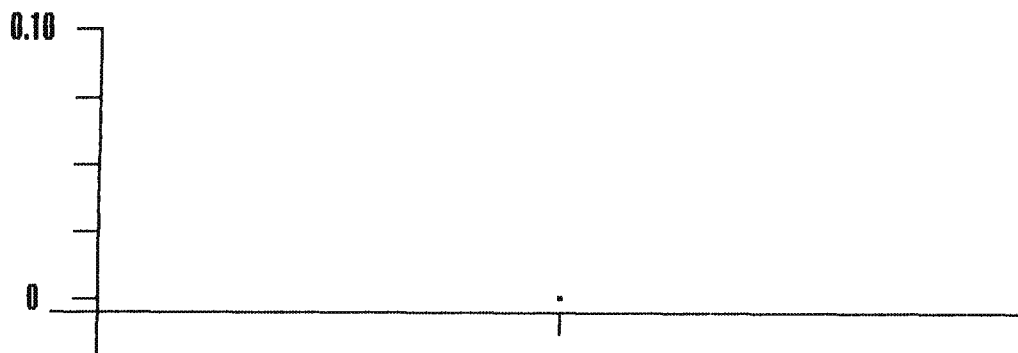
Component: ETO

Start Time: Aug 4, 2003 13:14

End Time: Aug 4, 2003 13:14

Number of points: 1

Average Value: 0.00



*WBI inlet*

**Monitor Single Port**

**Port: Diagnostic**

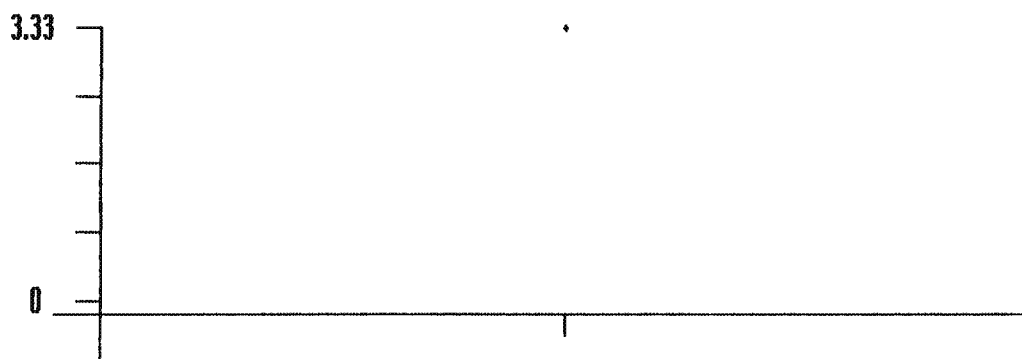
**Component: ETO**

**Start Time: Aug 4, 2003 13:18**

**End Time: Aug 4, 2003 13:18**

**Number of points: 1**

**Average Value: 3.33**



WB II outlet A.F.

Monitor Single Port

Port Diagnostic

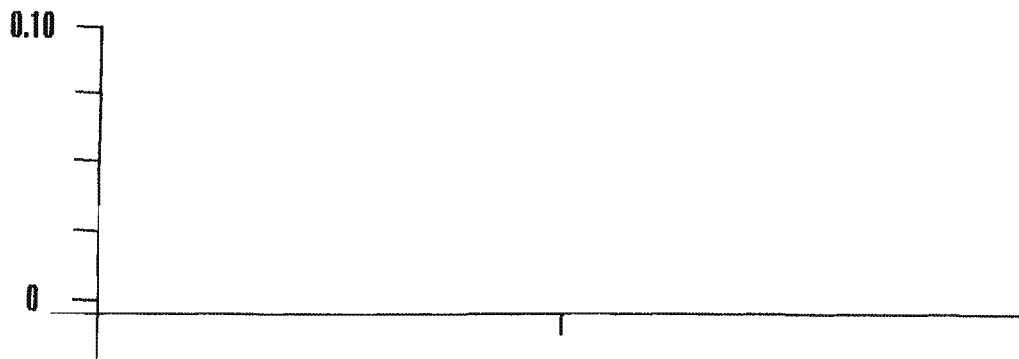
Component: ETO

Start Time: Aug 4, 2003 13:23

End Time: Aug 4, 2003 13:23

Number of points: 1

Average Value: 0.00



WBI Inlet A.F.

# Monitor Single Port

Port: Diagnostic

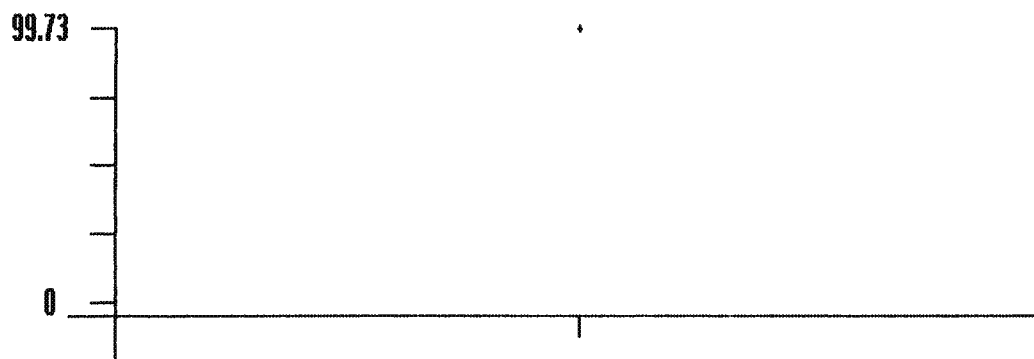
Component: ETO

Start Time: Aug 4, 2003 13:28

End Time: Aug 4, 2003 13:28

Number of points: 1

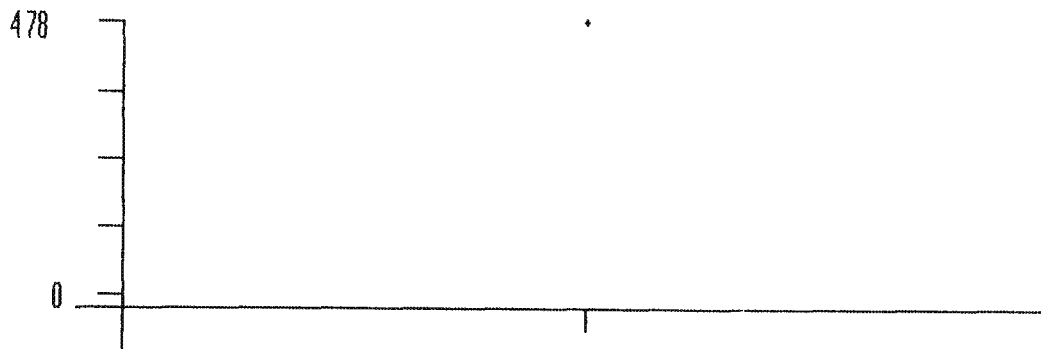
Average Value: 99.73



5.0 PPM

Monitor Single Port

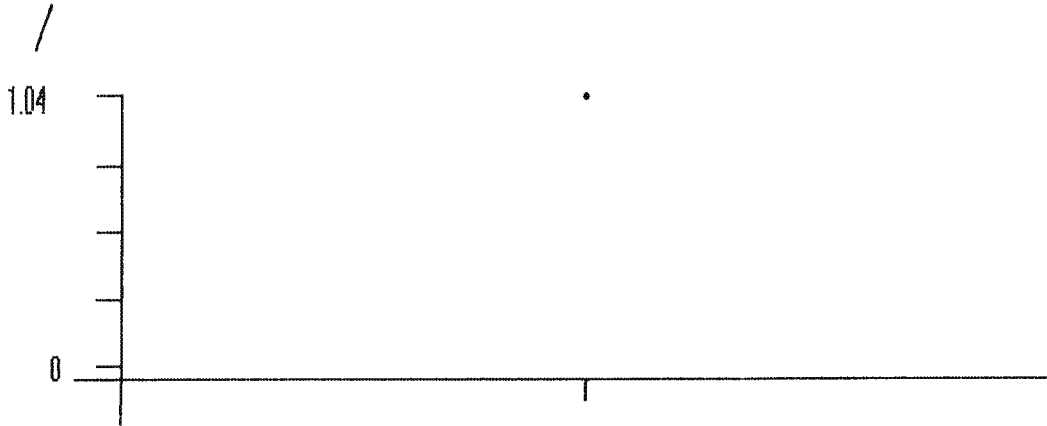
Port	Diagnostic
Component	ETO
Start Time	Aug 13, 2003 14:44
End Time	Aug 13, 2003 14:44
Number of points	1
Average Value	478



Monitor Single Port

1.1 PPM

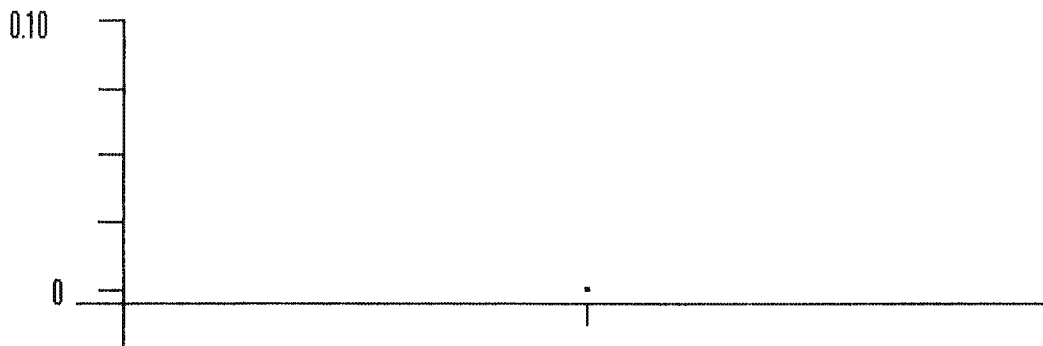
Port	Diagnostic
Component	ETO
Start Time	Aug 13 2003 14:58
End Time	Aug 13, 2003 14:58
Number of points	1
Average Value	1.04



WBI outlet

Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time	Aug 13 2003 15:04
End Time	Aug 13, 2003 15:04
Number of points	1
Average Value	0.00

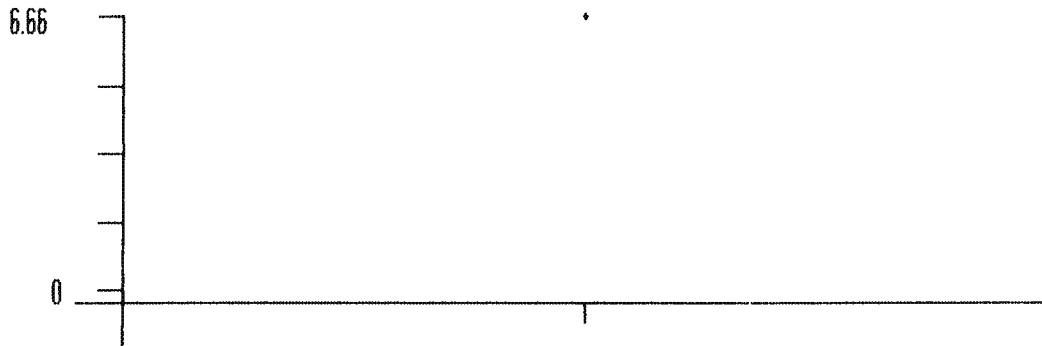




WBI inlet

Monitor Single Port

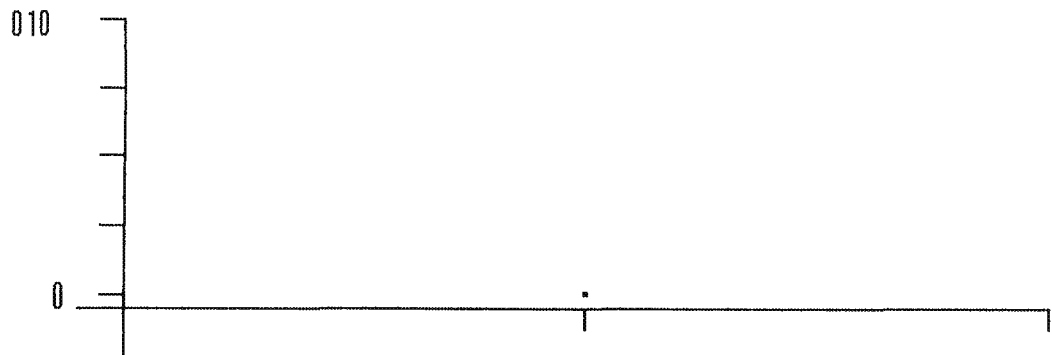
Port	Diagnostic
Component	ETO
Start Time	Aug 13 2003 15:09
End Time	Aug 13 2003 15:09
Number of points	1
Average Value	6.66



UBI outlet

Monitor Single Port

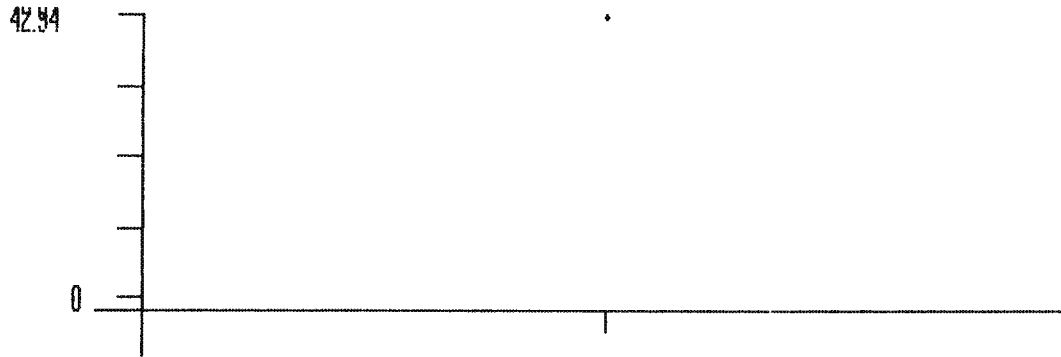
Port	Diagnostic
Component	ETO
Start Time	Aug 13 2003 15:14
End Time	Aug 13, 2003 15:14
Number of points:	1
Average Value	0.00



WB7 inlet

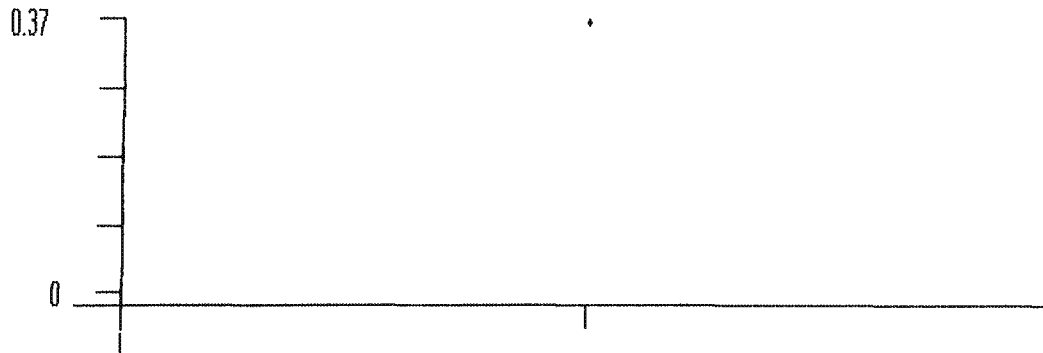
Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time	Aug 13, 2003 15:18
End Time	Aug 13, 2003 15:18
Number of points	1
Average Value	42.94



UB II outlet A.F Monitor Single Port

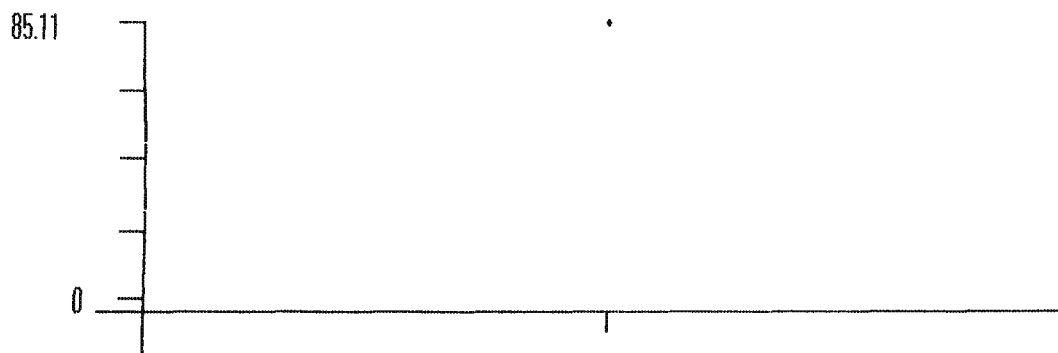
Port	Diagnostic
Component	ETO
Start Time	Aug 13, 2003 15:23
End Time	Aug 13, 2003 15:23
Number of points	1
Average Value	0.37



WBH inlet A.F

Monitor Single Port

Port	Diagnostic
Component	ETO
Start Time	Aug 13 2003 15:29
End Time	Aug 13 2003 15:29
Number of points	1
Average Value	85.11



Sample taken 8/21/03 analyzed 8/27/03 *8pm*

Monitor Single Port

*1.1 PPM*

Port: Diagnostic

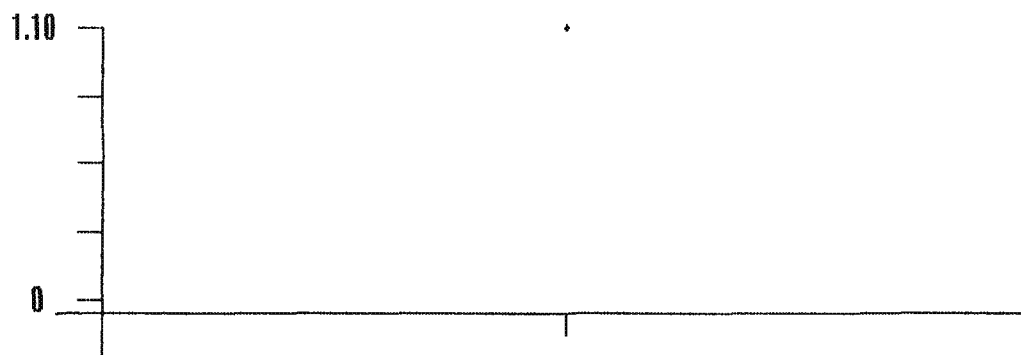
Component: ETO

Start Time: Aug 27, 2003 15:18

End Time: Aug 27, 2003 15:18

Number of points: 1

Average Value: 1.10



Sample taken 8/21/03 analyzed 8/27/03 LAM

WBI Outlet

Monitor Single Port

Port: Diagnostic

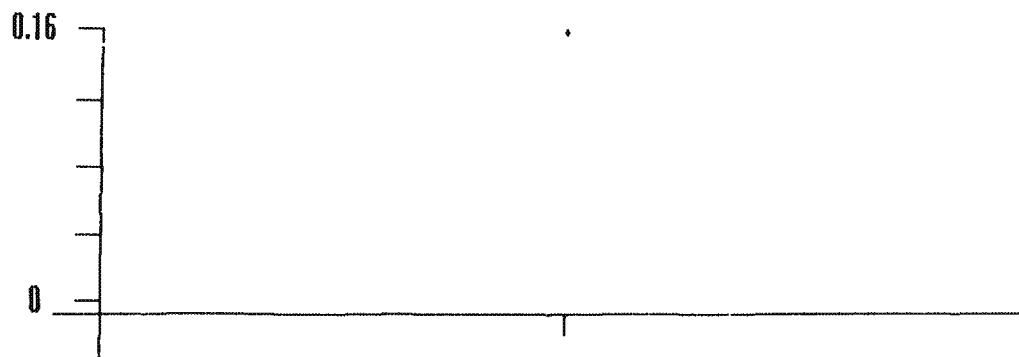
Component: ETO

Start Time: Aug 27, 2003 15:23

End Time: Aug 27, 2003 15:23

Number of points: 1

Average Value: 0.16



Sample taken 8/21/03 analyzed  
8/27/03 SDM

WB I inlet

Monitor Single Port

Port Diagnostic  
Port Diagnostic

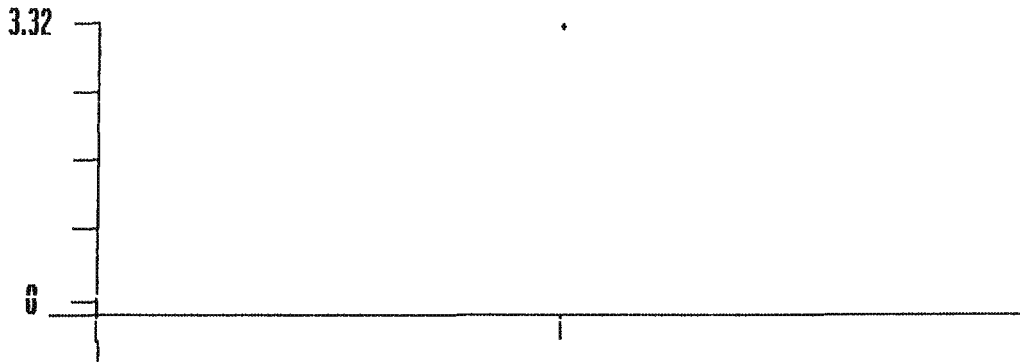
Component ETO

Start Time: Aug 27, 2003 15:29

End Time: Aug 27, 2003 15:29

Number of points: 1

Average Value: 3.32





Sample taken 8/21/03 analyzed  
8/27/03 SD

WB# outlet

Monitor Single Port

Port: Diagnostic

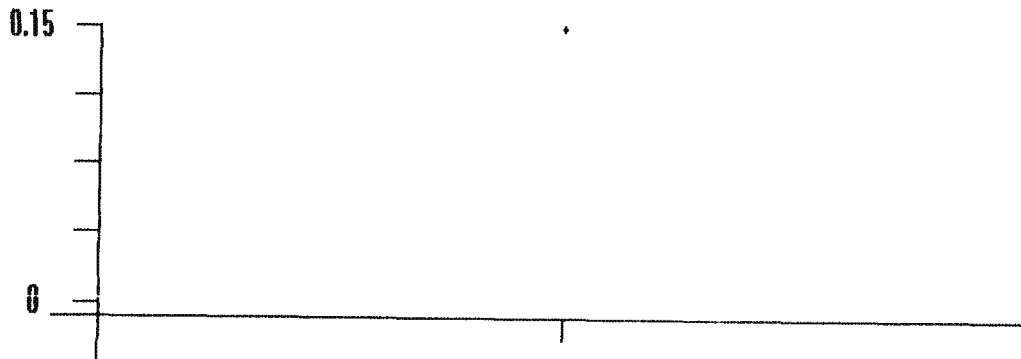
Component: ETO

Start Time: Aug 27, 2003 15:34

End Time: Aug 27, 2003 15:34

Number of points: 1

Average Value: 0.15



Sample taken 8/21/03 analyzed  
8/27/03 SQM

WBH Inlet

Monitor Single Port

Port: Diagnostic

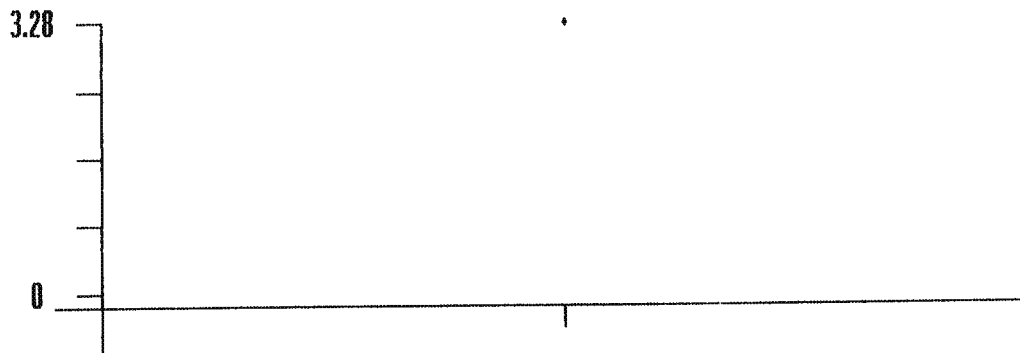
Component: ETO

Start Time: Aug 27, 2003 15:42

End Time: Aug 27, 2003 15:42

Number of points: 1

Average Value: 3.28



WB II outlet A.F Monitor Single Port

Sample taken 8/24/03 analyzed 8/27/03

Port: Diagnostic

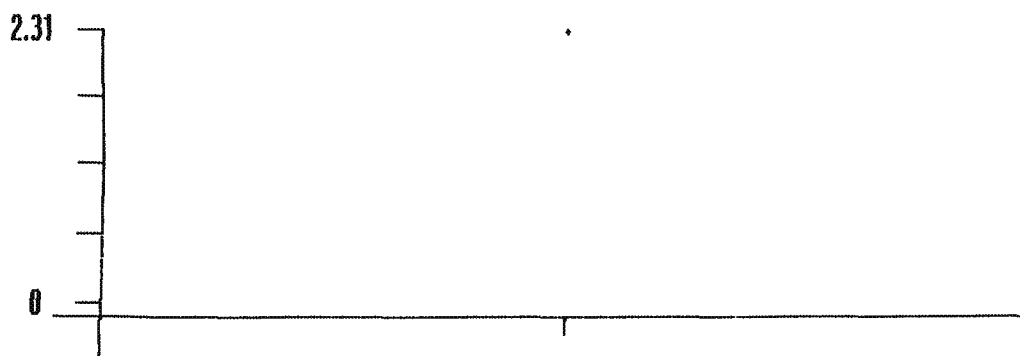
Component: ETO

Start Time: Aug 27, 2003 15:53

End Time: Aug 27, 2003 15:53

Number of points: 1

Average Value: 2.31



WBII Inlet A.F.

Monitor Single Port

Port: Diagnostic

Component: ETO

Start Time: Aug 27, 2003 15:59

End Time: Aug 27, 2003 15:59

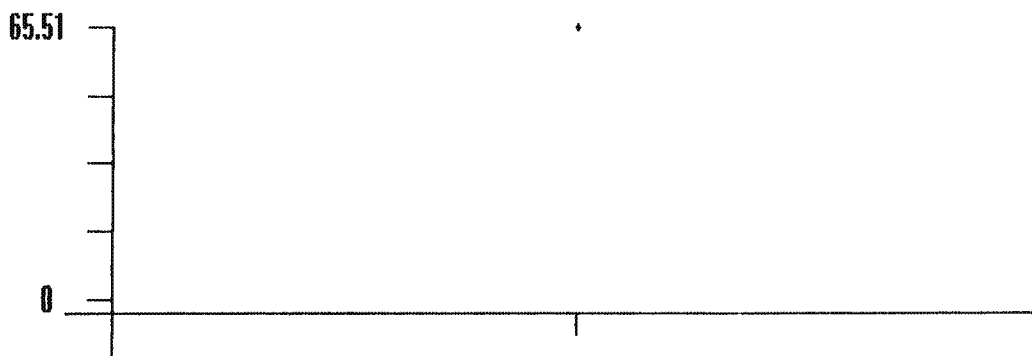
Number of points: 1

Average Value: 65.51

Sample Taken

8/21/03

Analyzed 8/27/03 son



Monitor Bingle Port

1.10 PPM

Port: Diagnostic

Component: ETO

Start Time: Aug 27, 2003 12:18

End Time: Aug 27, 2003 12:20

Number of points: 2

Average Value: 1.06



WBI outlet

Monitor Single Port

Port Diagnostic

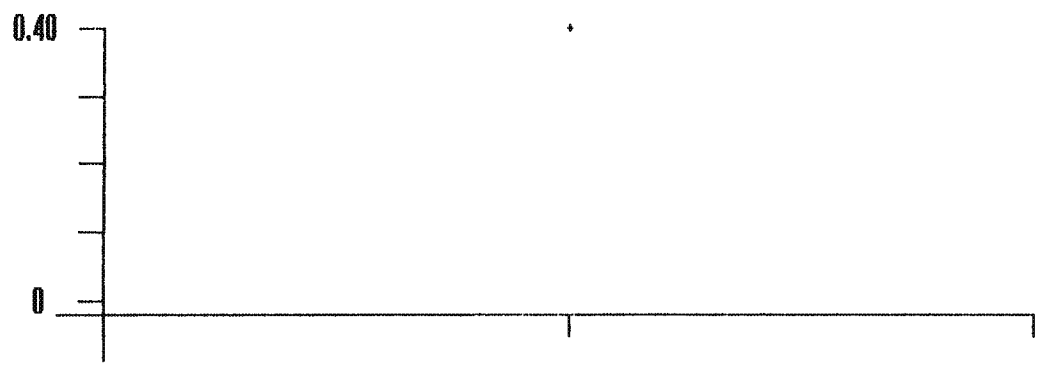
Component: ETO

Start Time: Aug 27, 2003 12:26

End Time: Aug 27, 2003 12:26

Number of points: 1

Average Value: 0.40



WBI inlet

Monitor Single Port

Port: Diagnostic

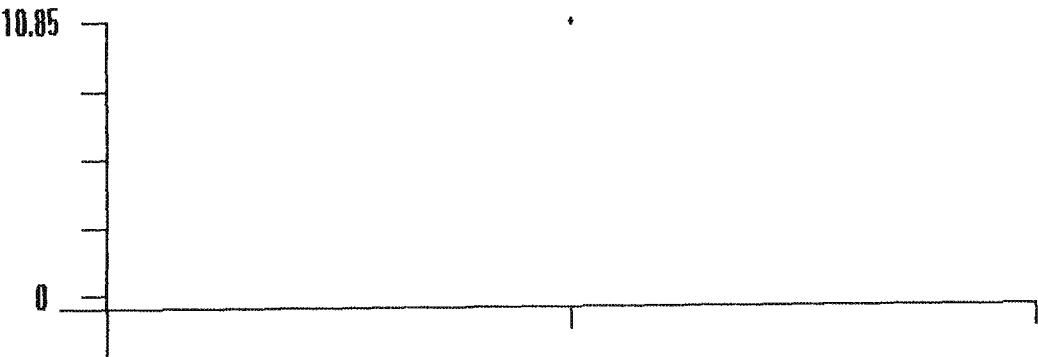
Component: ETO

Start Time: Aug 27,2003 12:30

End Time: Aug 27,2003 12:30

Number of points: 1

Average Value: 10.85



WB II outlet

Monitor Single Port

Port: Diagnostic

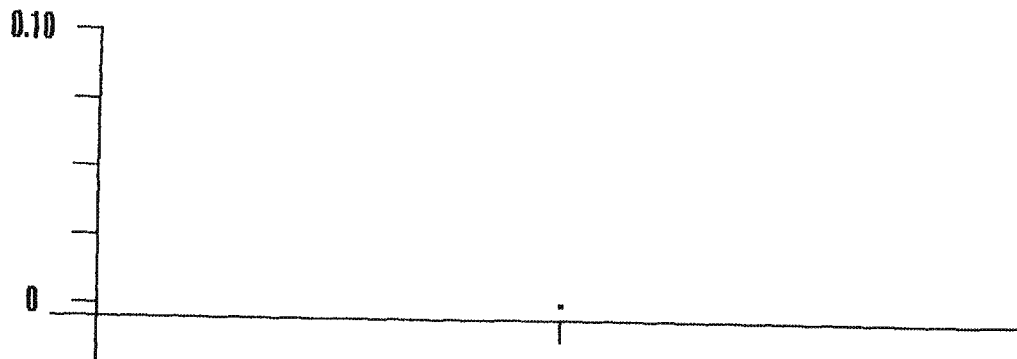
Component: ETO

Start Time: Aug 27, 2003 12:35

End Time: Aug 27, 2003 12:35

Number of points: 1

Average Value: 0.00





WBH inlet

# Monitor Single Port

Port: Diagnostic

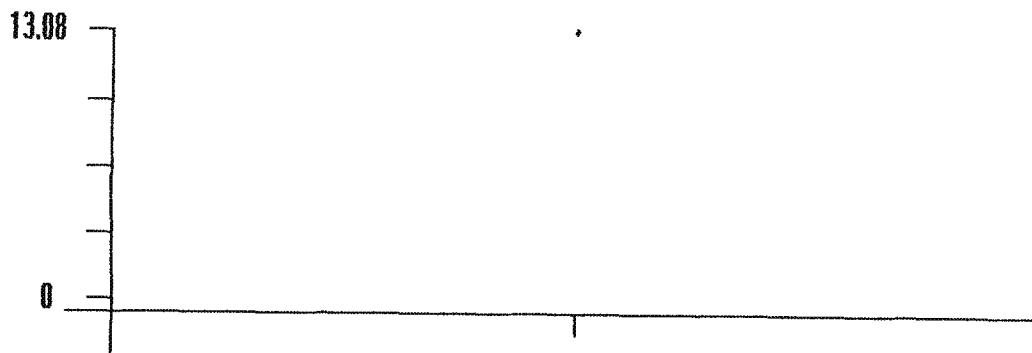
Component: ETO

Start Time: Aug 27, 2003 12:42

End Time: Aug 27, 2003 12:42

Number of points: 1

Average Value: 13.08



WB II outlet A.F

Monitor Single Port

Port: Diagnostic

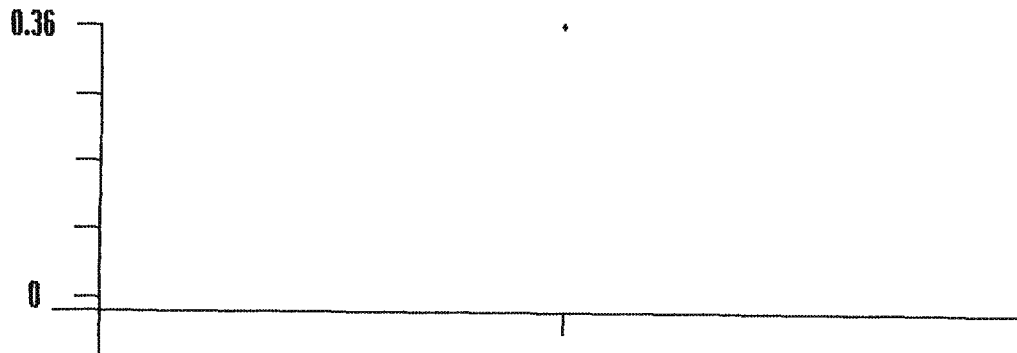
Component: ETO

Start Time: Aug 27, 2003 12:47

End Time: Aug 27, 2003 12:47

Number of points: 1

Average Value: 0.36



WBII inlet A.F

Monitor Single Port

Port: Diagnostic

Component: ETO

Start Time: Aug 27, 2003 12:52

End Time: Aug 27, 2003 12:52

Number of points: 1

Average Value: 110.09



PE Down

for

9/6/03

7. The following information is available for the year ended 31/12/2014:

add 4000 \*E PTH ^C ^JJI  
6797 3900007 \*DOWDOL 1082-14 \*ZL10W6C \*S-105057H

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

~~SECRET~~

CONFIDENTIAL - SECURITY INFORMATION

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

7. ~~World Bank~~ ~~Approved~~ ~~to~~ ~~invest~~ ~~in~~ ~~the~~ ~~construction~~ ~~of~~ ~~the~~ ~~new~~ ~~weapons~~

[illegible]

add 35.7 " 1000+ " 5 " 713 1  
0011221002007 " 100000 10-1004 " 5010000 " 10000000

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5-5 PM

6/18PM

Monitor Single Port

Port: Diagnostic

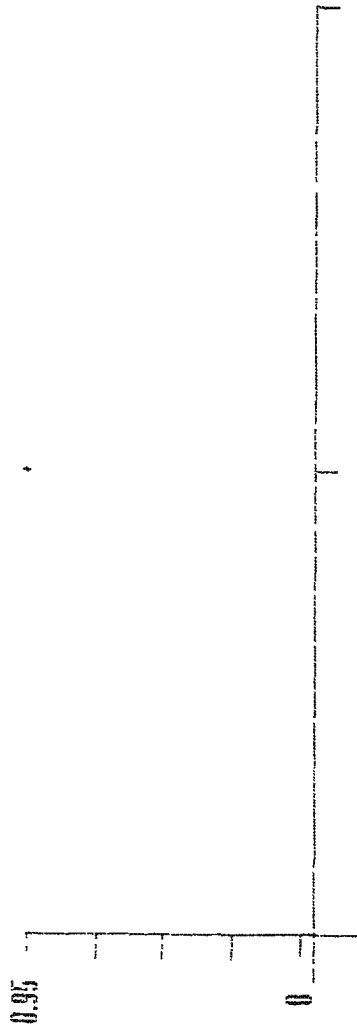
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Start Time: Sep 12, 2003 09:04

End Time: Sep 12, 2003 09:04

Number of points: 1

Average Value: 0.95



5.1 PPM

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Port: Diagnostic

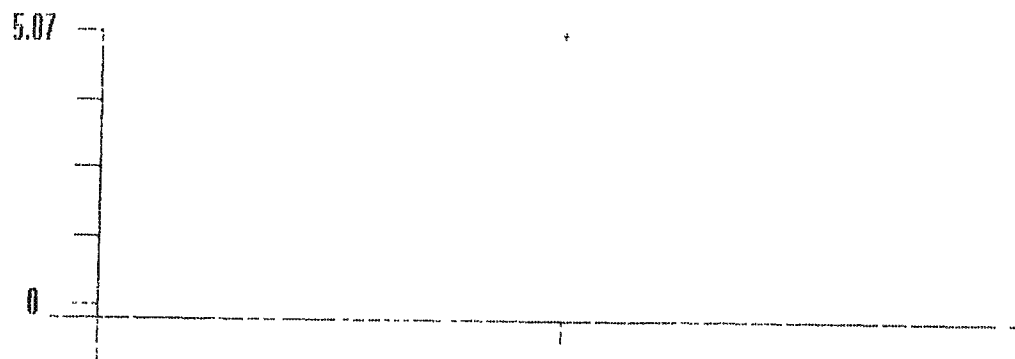
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End Time: Sep 12, 2003 08:59

Number of points: 1

Average Value: 5.07



WBI outlet

Monitor Single Port

Port: Diagnostic

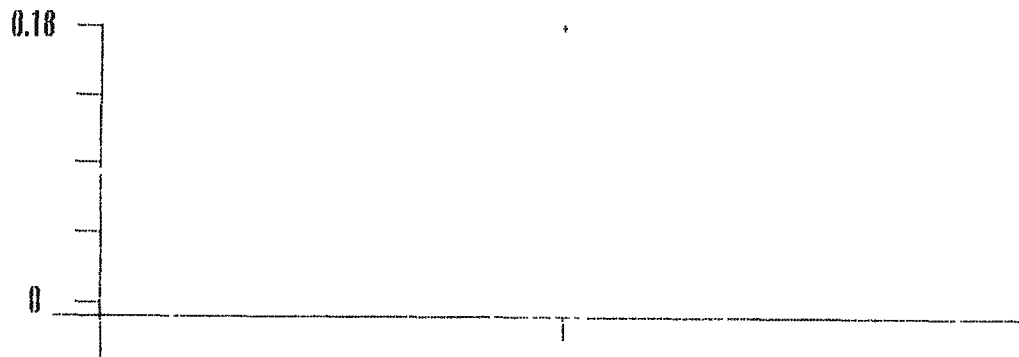
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Start Time: Sep 12, 2003 09:09

End Time: Sep 12, 2003 09:09

Number of points: 1

Average Value: 0.18





WBI inlet

Monitor Single Port

Port: Diagnostic

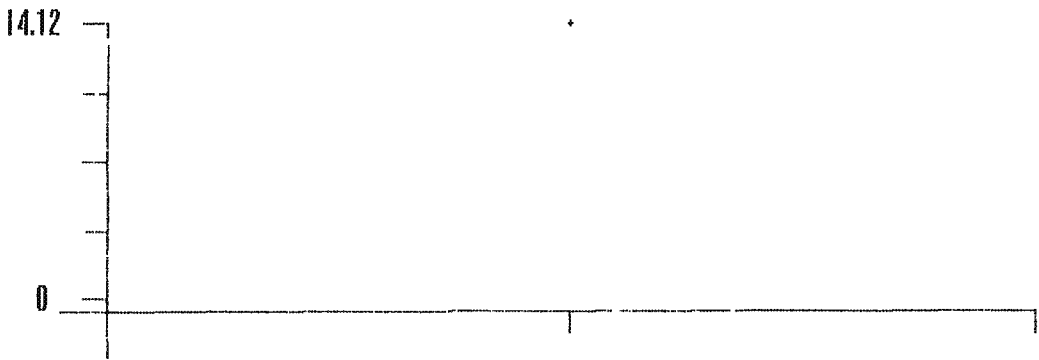
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Number of points: 1

Average Value: 14.12



WB II outlet

Monitor Single Port

Port: Diagnostic

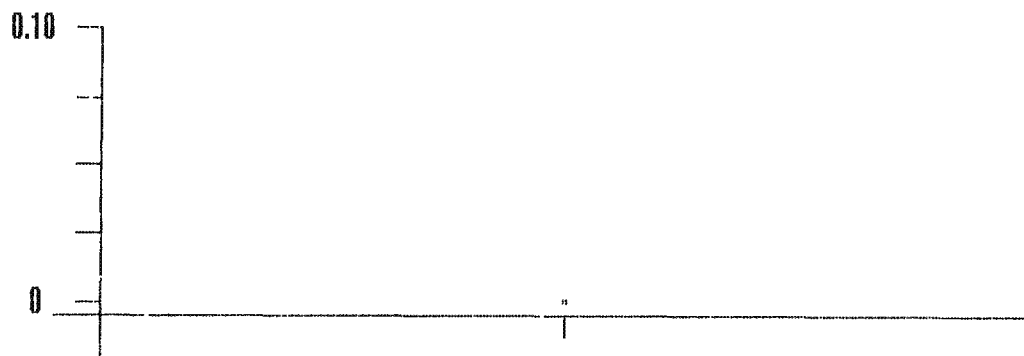
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End Time: Sep 12, 2003 09:27

Number of points: 1

Average Value: 0.00



U/B II inlet

Monitor Single Port

Port: Diagnostic

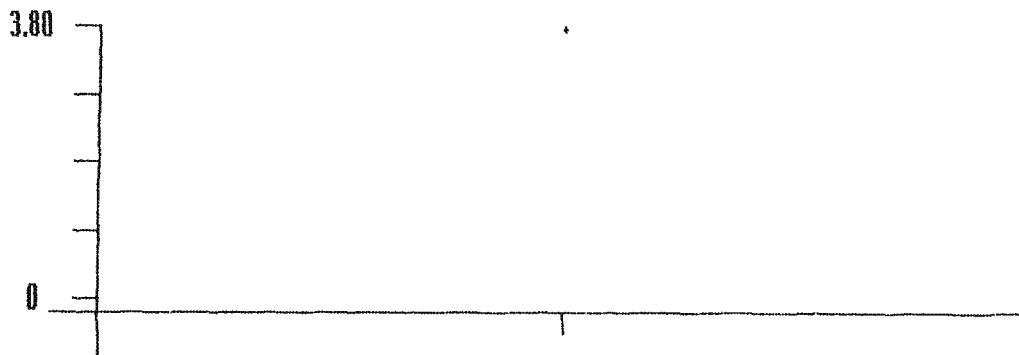
Component: ETO

Start Time: Sep 12, 2003 09:32

End Time: Sep 12, 2003 09:32

Number of points: 1

Average Value: 3.80



1) BII outlet A.E

Monitor Single Port

Port: Diagnostic

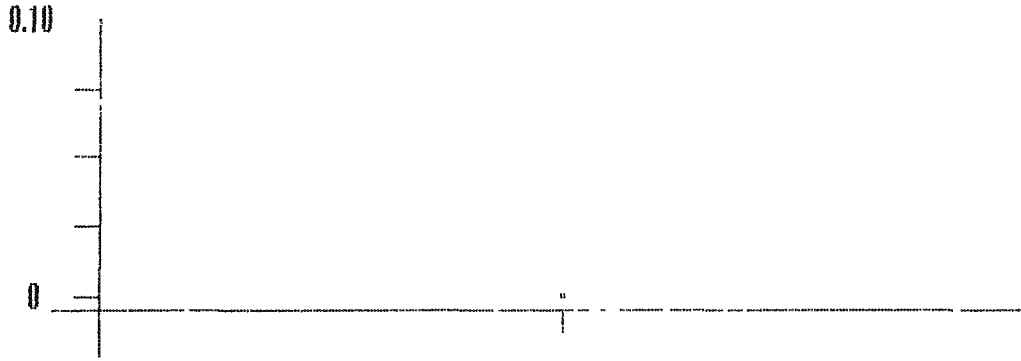
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Start Time: Sep 12, 2003 09:51

End Time: Sep 12, 2003 09:51

Number of points: 1

Average Value: 0.00



Monitor Single Port

WBH Inlet A.F.

Port: Diagnostic

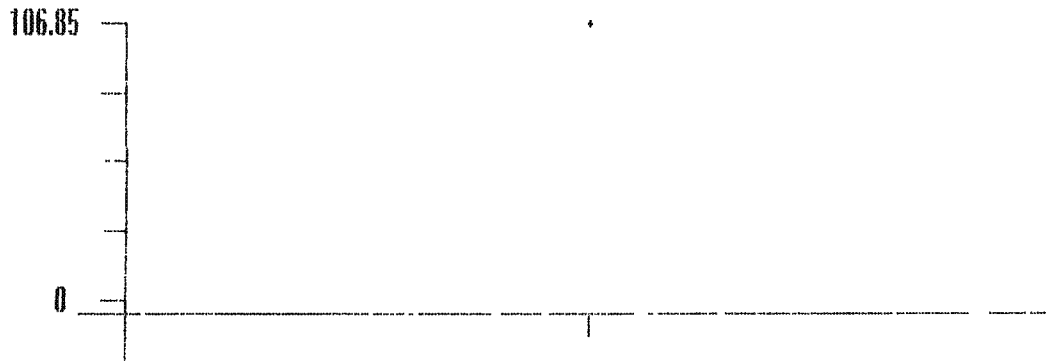
Component: ETO

Start Time: Sep 12, 2003 09:55

End Time: Sep 12, 2003 09:55

Number of points: 1

Average Value: 106.85



Monitor Single Port

1.1 PPM

Port Diagnostic

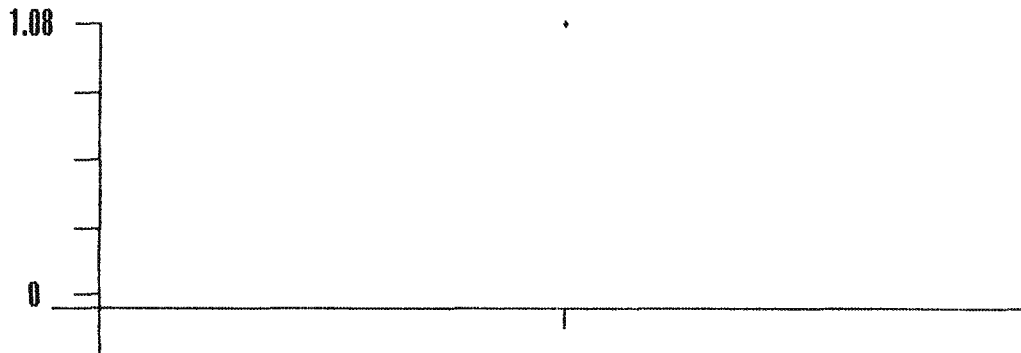
Component: ETO

Start Time: Sep 17, 2003 10:00

End Time: Sep 17, 2003 10:00

Number of points: 1

Average Value: 1.08



Sep/17/2003 10:00 1.08

Monitor Single Port

5.1 PPM

Port: Diagnostic

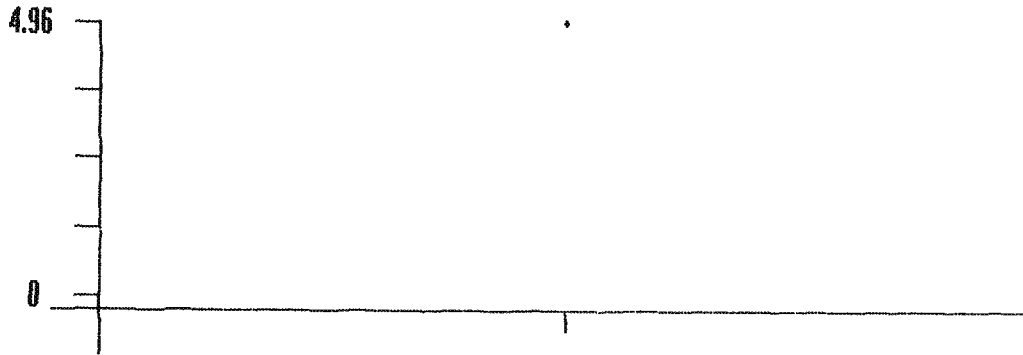
Component: ETO

Start Time: Sep 17, 2003 09:55

End Time: Sep 17, 2003 09:55

Number of points: 1

Average Value: 4.96



Sep/17/2003 09:55 4.96

Monitor Single Port

*WBI outlet*

Port: Diagnostic

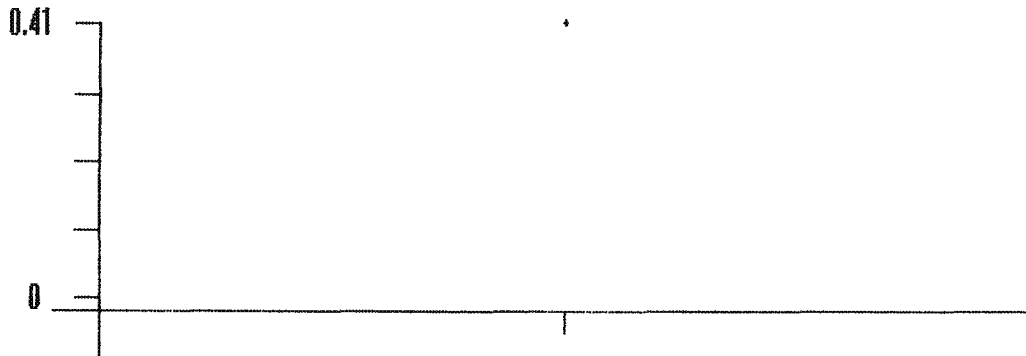
Component: ETO

Start Time: Sep 17, 2003 10:05

End Time: Sep 17, 2003 10:05

Number of points: 1

Average Value: 0.41



Sep/17/2003 10:05 .41



Monitor Single Port

WBI inlet

Port: Diagnostic

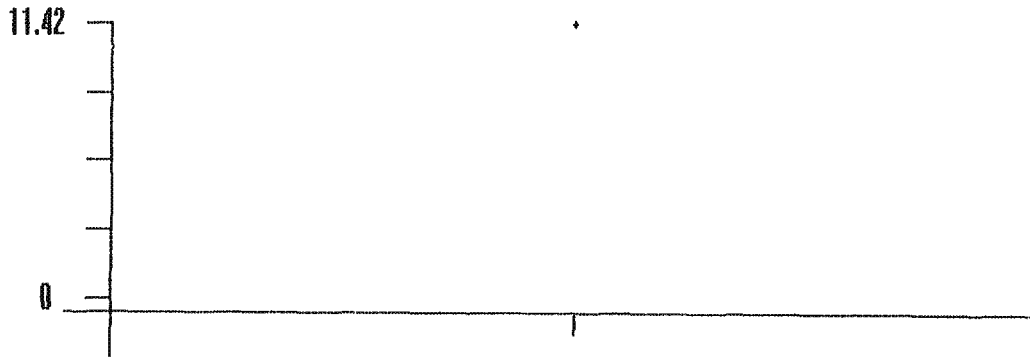
Component: ETO

Start Time: Sep 17, 2003 10:10

End Time: Sep 17, 2003 10:10

Number of points: 1

Average Value: 11.42



Sep/17/2003 10:10 11.42

UBII outlet

# Monitor Single Port

Port: Diagnostic

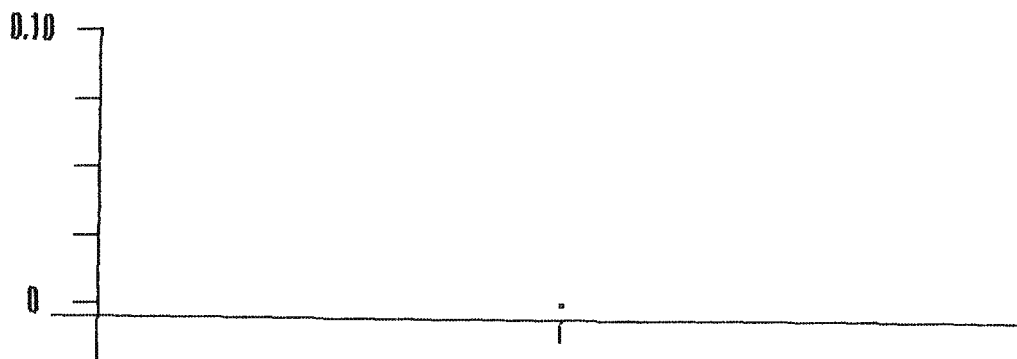
Component: ETO

Start Time: Sep 17, 2003 10:15

End Time: Sep 17, 2003 10:15

Number of points: 1

Average Value: 0.00



ep/17/2003 10:15 .00

WBI inlet

Monitor Single Port

Port: Diagnostic

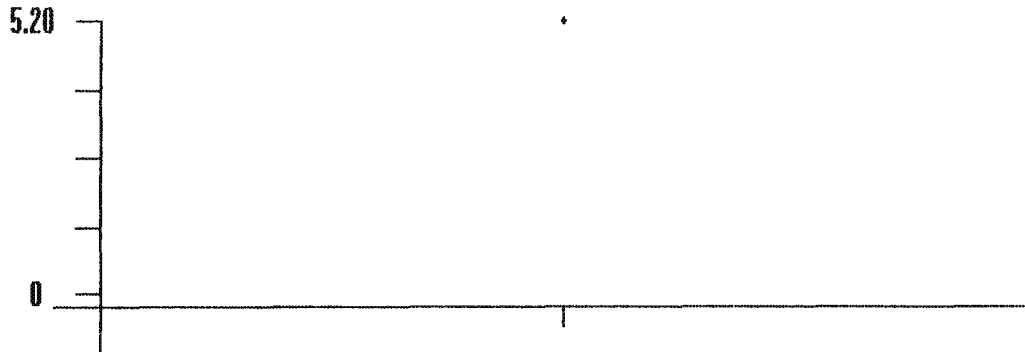
Component: ETO

Start Time: Sep 17, 2003 10:19

End Time: Sep 17, 2003 10:19

Number of points: 1

Average Value: 5.20



Sep/17/2003 10:19 5.20

UB II outlet A.F.

Monitor Single Port

Port: Diagnostic

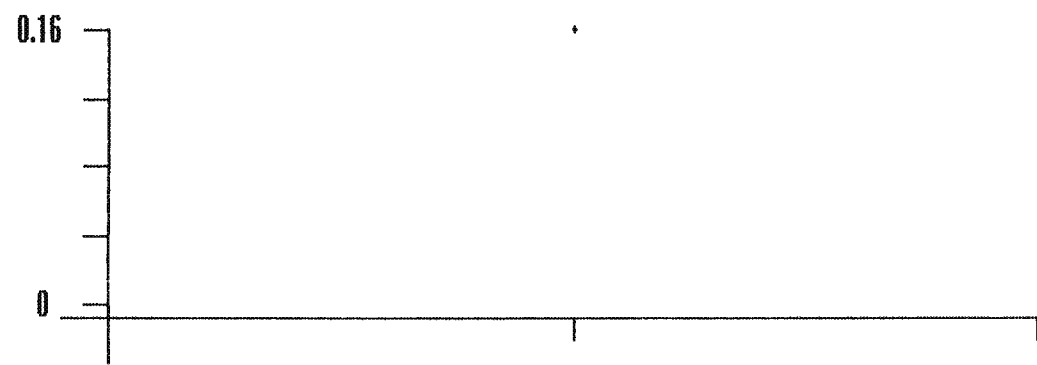
Component: ETO

Start Time: Sep 17, 2003 10:24

End Time: Sep 17, 2003 10:24

Number of points: 1

Average Value: 0.16



Sep/17/2003 10:24 .16

WBI met A.F.

# Monitor Single Port

Port: Diagnostic

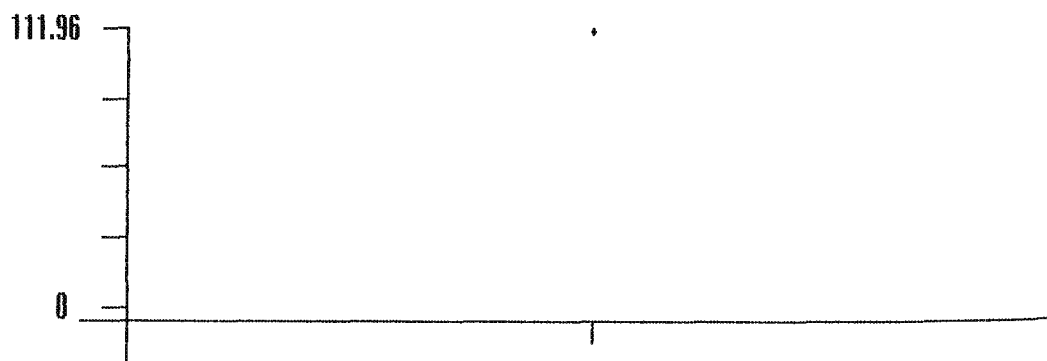
Component: ETO

Start Time: Sep 17, 2003 10:29

End Time: Sep 17, 2003 10:29

Number of points: 1

Average Value: 111.96



Sep 17/2003 10:29 111.96

5.1 BPM

Monitor Single Port

Port: Diagnostic

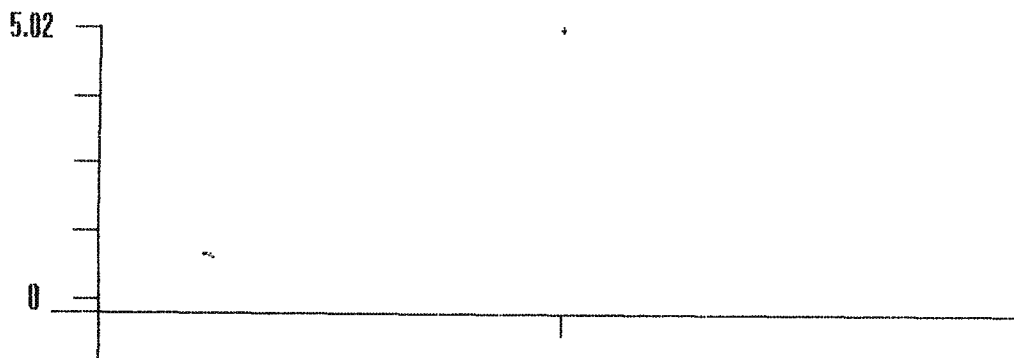
Component: ETO

Start Time: Sep 22, 2003 09:27

End Time: Sep 22, 2003 09:27

Number of points: 1

Average Value: 5.02



Sep/22/2003 09:27 5.02

# Monitor Single Port

1.1 PPM

Port: Diagnostic

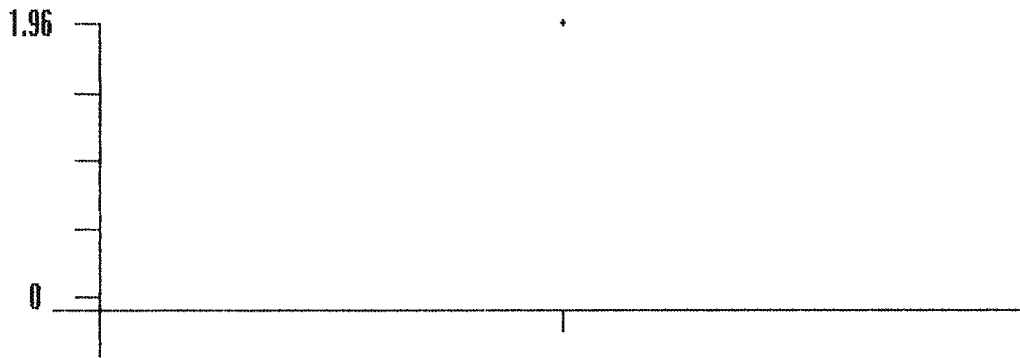
Component: ETO

Start Time: Sep 22, 2003 09:36

End Time: Sep 22, 2003 09:36

Number of points: 1

Average Value: 1.96



Sep/22/2003 09:36 1.96

Monitor Single Port

*WBI Inlet*

Port Diagnostic

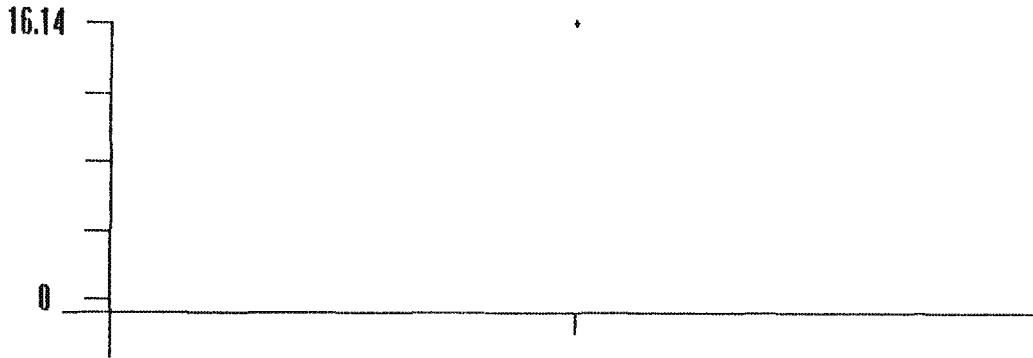
Component: ETO

Start Time: Sep 22, 2003 09:46

End Time: Sep 22, 2003 09:46

Number of points: 1

Average Value: 16.14



Sep22/2003 09:46 16.14





January 22, 2004

U.S Environmental Protection Agency-Region 5  
Air Enforcement and Compliance Assurance Branch  
Attn: Compliance Tracker (AE-17J)  
77 West Jackson Blvd.  
Chicago, IL. 60604-3590

**RECEIVED**  
JAN 26 2004  
AIR ENFORCEMENT BRANCH,  
U.S. EPA, REGION 5

**Re: IBA/Griffith Micro Science Administrative Order-Willowbrook I & II Weekly  
Aeration Room Test Results for Fourth Quarter 2003**

Dear Ms. Bush:

IBA is hereby submitting the weekly ethylene oxide emission results of the sampling of the inlet and outlet duct for the AAT Dry Beds for both Willowbrook I & II. This information is being submitted as required by section 40 of the Administrative Order issued on December 24, 2002. The weekly ethylene oxide emission data is presented in Tables One through Three. Additionally, per section 11 of Attachment A of the Order, we have included chromatograms for the Perkin Elmer and Baseline Gas Chromatographs. They are Attachment A and B respectively.

Since, we did not exceed the Tier I Ethylene Oxide usage for either Willowbrook I or II we did not send any bag samples out for analysis as required by section 5.1 or 5.2 of the Tiered Monitoring Plans.

Also, neither of the AAT Dry Beds for the Willowbrook facilities was replaced during the quarter.

Lastly, this is the last quarterly report required by section 10 of Attachment A of the Administrative Order. However, the Willowbrook facilities will continue to monitor the dry bed emissions as agreed to in the Monitoring Plans.

Call me with any questions you might have with regard to this quarterly monitoring report or the attachments. You can reach me at 630-928-1724.

Yours truly,

  
Stephen Dana Morris  
Director EH&S

Enclosures: Tables one-three  
Attachment A-B

Page 1 of 2

Page Two

IBA/Griffith Micro Science  
Administrative Order-  
Willowbrook I & II Weekly  
Aeration Room Test  
Results for Fourth Quarter  
2003

cc: Julie Armitage, Section Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Kathleen Hoffman, Vice-President EH&S  
Don Currie, Vice-President Operations  
Jack Fitzpatrick, Willowbrook General Manager  
Corey Grauer, Esq.  
Byron F. Taylor, Esq.  
Sidley Austin Brown & Wood

**TABLE ONE**  
**WILLOWBROOK I AAT DRY BED-AERATION TESTING**  
**FOR FOURTH QUARTER 2003**

| Sample Date | Perkin Elmer | Outlet Concentration must be < 1 ppm |                         | Baseline | Outlet Concentration must be < 1 ppm |                         |
|-------------|--------------|--------------------------------------|-------------------------|----------|--------------------------------------|-------------------------|
|             |              | WB1 Aeration Exhaust                 |                         |          | WB1 Aeration Exhaust                 |                         |
|             |              | Dry Bed Inlet                        | Dry Bed Outlet          |          | Dry Bed Inlet                        | Dry Bed Outlet          |
|             |              | EtO Concentration (ppm)              | EtO Concentration (ppm) |          | EtO Concentration (ppm)              | EtO Concentration (ppm) |
| 10/03/2003  |              | 9.79                                 | 0.25                    |          | 9.22                                 | 0.0563                  |
| 10/09/2003  |              | 12.79                                | 0.41                    |          | 12.80                                | 0.315                   |
| 10/15/2003  |              | 7.84                                 | 0.58                    |          | 8.73                                 | 0.361                   |
| 10/22/2003  |              | 12.96                                | 0.30                    |          | 11.40                                | 0.369                   |
| 10/28/2003  |              | 6.54                                 | 0.24                    |          | 6.86                                 | 0.185                   |
| 11/06/2003  |              | 9.19                                 | 0.30                    |          | 7.57                                 | 0.275                   |
| 11/12/2003  |              | 16.90                                | 0.30                    |          | 12.10                                | 0.322                   |
| 11/20/2003  |              | 9.55                                 | 0.14                    |          | 9.14                                 | BMDL*                   |
| 11/24/2003  |              | 7.90                                 | 0.36                    |          | 8.05                                 | 0.276                   |
| 12/05/2003  |              | 16.03                                | 0.71                    |          | 14.60                                | 0.36                    |
| 12/10/2003  |              | 15.59                                | 0.69                    |          | 14.60                                | 0.594                   |
| 12/18/2003  |              | 13.02                                | 0.56                    |          | 13.00                                | 0.387                   |
| 12/23/2003  |              | 16.92                                | 1.20                    |          | 17.10                                | 0.437                   |
| 12/31/2003  |              | 8.75                                 | 0.56                    |          | 7.05                                 | 0.249                   |

KEY.

\*BMDL=Below Minimum Detection Level

**TABLE TWO**  
**WILLOWBROOK II AAT DRY BED AERATION**  
**TESTING**  
**FOR FOURTH QUARTER 2003**

| Date       | Perkin Elmer | Outlet Concentration<br>must be < 1 ppm  |   | Baseline | Outlet Concentration<br>must be < 1 ppm  |   |
|------------|--------------|--|---|----------|--|---|
|            |              | WB2 Aeration Exhaust                     |   |          | WB2 Aeration Exhaust                     |   |
|            |              | Dry Bed Inlet<br>EtO Concentration (ppm) | Dry Bed Outlet<br>EtO Concentration (ppm) |          | Dry Bed Inlet<br>EtO Concentration (ppm) | Dry Bed Outlet<br>EtO Concentration (ppm) |
| 10/03/2003 |              | 15.51                                    | 0.0                                       |          | 12.5                                     | 0.239                                     |
| 10/09/2003 |              | 2.65                                     | 0.0                                       |          | 2.57                                     | BMDL*                                     |
| 10/15/2003 |              | 1.72                                     | 0.0                                       |          | 1.52                                     | 0.116                                     |
| 10/22/2003 |              | 2.03                                     | 0.0                                       |          | 1.45                                     | 0.196                                     |
| 10/28/2003 |              | 2.64                                     | 0.12                                      |          | 2.37                                     | 0.187                                     |
| 11/06/2003 |              | 3.54                                     | 0.49                                      |          | 2.67                                     | 0.589                                     |
| 11/12/2003 |              | 4.48                                     | 0.0                                       |          | 3.43                                     | 0.232                                     |
| 11/20/2003 |              | 2.89                                     | 0.0                                       |          | 2.48                                     | 0.113                                     |
| 11/24/2003 |              | 3.03                                     | 0.22                                      |          | 3.14                                     | BMDL*                                     |
| 12/05/2003 |              | 2.32                                     | 0.0                                       |          | 1.69                                     | 0.428                                     |
| 12/10/2003 |              | 4.73                                     | 0.11                                      |          | 4.85                                     | 0.433                                     |
| 12/18/2003 |              | 2.75                                     | 0.13                                      |          | 2.50                                     | 0.088                                     |
| 12/23/2003 |              | 13.48                                    | 0.48                                      |          | 12.60                                    | 0.158                                     |
| 12/31/2003 |              | 2.67                                     | 0.0                                       |          | 1.91                                     | 0.210                                     |

\* Key: BMDL=Below Minimum Detection Level

**TABLE THREE**  
**WILLOWBROOK II AAT DRY BED CHAMBER TESTING**  
**FOR FOURTH QUARTER 2003**

| Date       | Perkin Elmer | Outlet Concentration<br>must be < 60 ppm |   | Baseline | Outlet Concentration<br>must be < 60 ppm |   |
|------------|--------------|--|---|----------|--|---|
|            |              | WB2 Chamber Exhaust                      |   |          | WB2 Chamber Exhaust                      |   |
|            |              | Dry Bed Inlet<br>EtO Concentration (ppm) | Dry Bed Outlet<br>EtO Concentration (ppm) |          | Dry Bed Inlet<br>EtO Concentration (ppm) | Dry Bed Outlet<br>EtO Concentration (ppm) |
| 10/03/2003 |              | 58.95                                    | 0.28                                      |          | 12.4                                     | BMDL*                                     |
| 10/09/2003 |              | 67.42                                    | 0.22                                      |          | 38.0                                     | 0.053                                     |
| 10/15/2003 |              | 99.34                                    | 0.14                                      |          | 48.4                                     | 0.244                                     |
| 10/22/2003 |              | 111.30                                   | 0.23                                      |          | 41.7                                     | 0.363                                     |
| 10/28/2003 |              | 124.16                                   | 0.47                                      |          | 56.4                                     | 0.438                                     |
| 11/06/2003 |              | 111.50                                   | 0.75                                      |          | 40.3                                     | 0.773                                     |
| 11/12/2003 |              | 107.42                                   | 0.62                                      |          | 40.4                                     | 0.598                                     |
| 11/20/2003 |              | 107.15                                   | 1.04                                      |          | 50.3                                     | 1.05                                      |
| 11/24/2003 |              | 132.57                                   | 1.37                                      |          | 46.9                                     | 1.15                                      |
| 12/05/2003 |              | 208.96                                   | 3.69                                      |          | 61.0                                     | 1.81                                      |
| 12/10/2003 |              | 187.61                                   | 2.51                                      |          | 61.8                                     | 2.22                                      |
| 12/18/2003 |              | 31.76                                    | 0.56                                      |          | 28.6                                     | 0.716                                     |
| 12/23/2003 |              | 192.35                                   | 4.30                                      |          | 64.5                                     | 2.76                                      |
| 12/31/2003 |              | 181.76                                   | 2.73                                      |          | 52.0                                     | 2.02                                      |

\* Key: BMDL=Below Minimum Detection Level

**ATTACHMENT A**

**WILLOWBROOK I & II  
Fourth QUARTER  
(October to December 2003)**

**AERATION ROOM & CHAMBER DISCHARGE TESTING  
PERKIN ELMER RESULTS**

Monitor Single Port

5.1 PPM

Port: Diagnostic

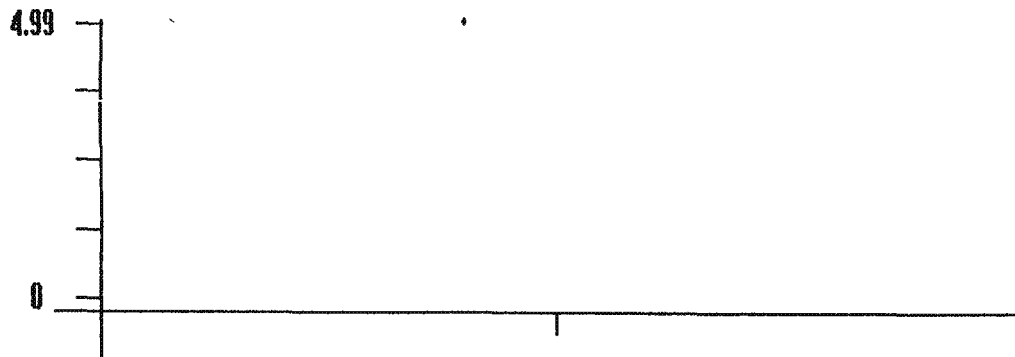
Component: ETO

Start Time: Oct 3, 2003 08:05

End Time: Oct 3, 2003 08:10

Number of points: 3

Average Value: 4.99



Oct/03/2003 08:05 4.99

Oct/03/2003 08:07 4.99

Oct/03/2003 08:10 4.99

WBI outlet

## Port Diagnostic

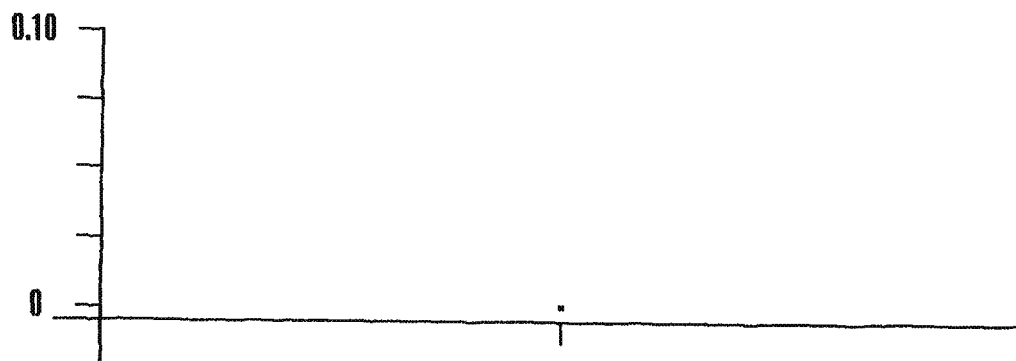
**Component ETO**

Start Time: Oct 3, 2003 08:40

End Time: Oct 3, 2003 08:40

**Number of points: 1**

**Average Value: 0.00**



04/03/2003 08:40 .00

**SECRET**

**вашим союзом план**



Monitor Single Port

WBF inlet

Port: Diagnostic

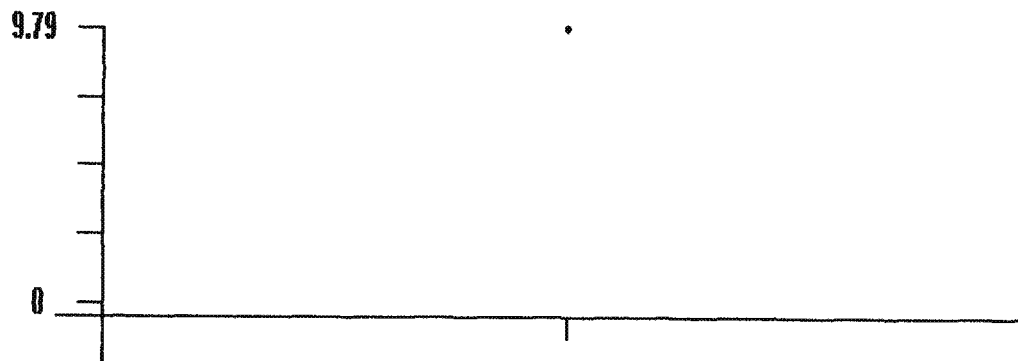
Component: ETO

Start Time: Oct 3, 2003 08:35

End Time: Oct 3, 2003 08:35

Number of points: 1

Average Value: 9.79



Oct/03/2003 08:35 9.79

Monitor Single Port

WBI outlet

Port: Diagnostic

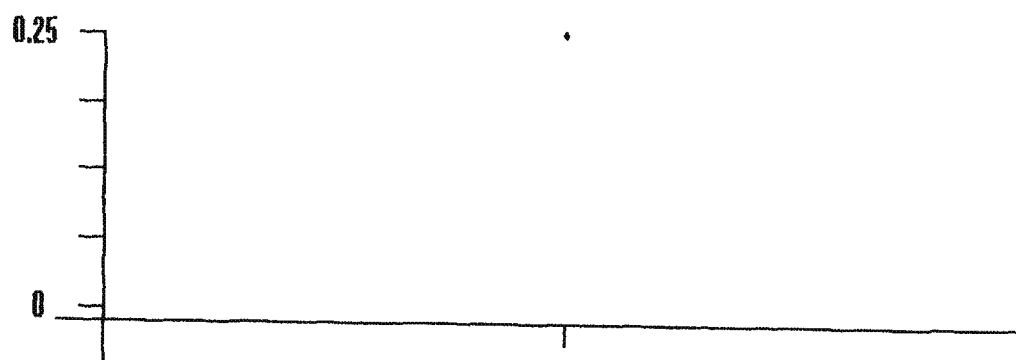
Component: ETO

Start Time: Oct 3, 2003 08:30

End Time: Oct 3, 2003 08:30

Number of points: 1

Average Value: 0.25



Oct/03/2003 08:30 .25

WBTII ~~inlet~~ In 10-3-03

Monitor Single Port

Port: Diagnostic

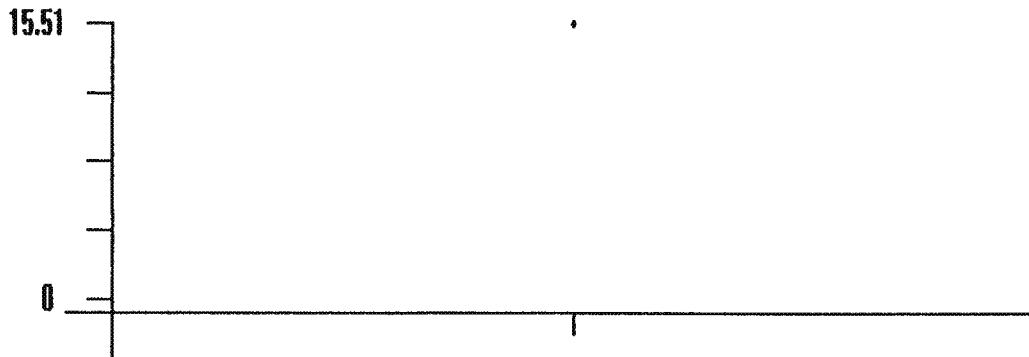
Component: ETO

Start Time: Oct 3, 2003 09:03

End Time: Oct 3, 2003 09:03

Number of points: 1

Average Value: 15.51



Oct/03/2003 09:03 15.51

WBI outlet

Monitor Single Port

Port: Diagnostic

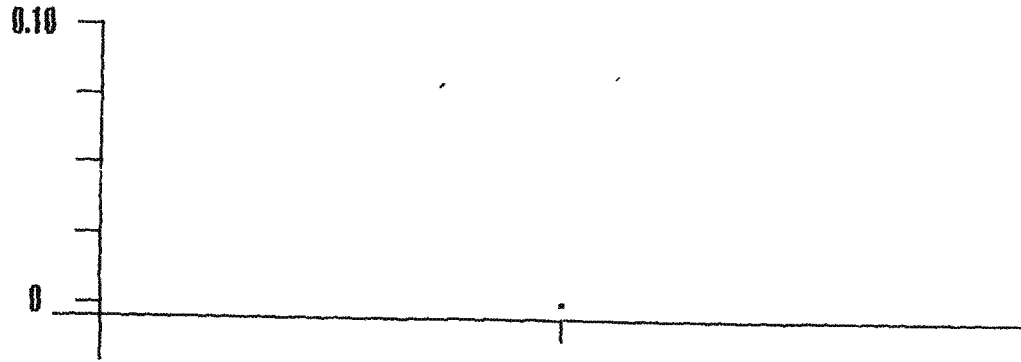
Component: ETO

Start Time: Oct 3, 2003 08:40

End Time: Oct 3, 2003 08:40

Number of points: 1

Average Value: 0.00



Oct/03/2003 08:40 .00

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
FALLS CHURCH, VIRGINIA

1/Bit inlet A.F

Monitor Single Port

Port Diagnostic

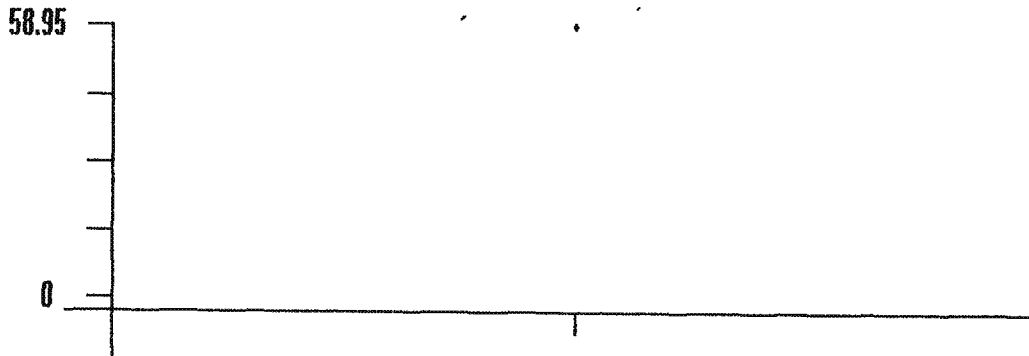
Component: ETO

Start Time: Oct 3, 2003 08:58

End Time: Oct 3, 2003 08:58

Number of points: 1

Average Value: 58.95



Oct/03/2003 08:58 58.95

i) BII outlet A.I

Monitor Single Port

Port: Diagnostic

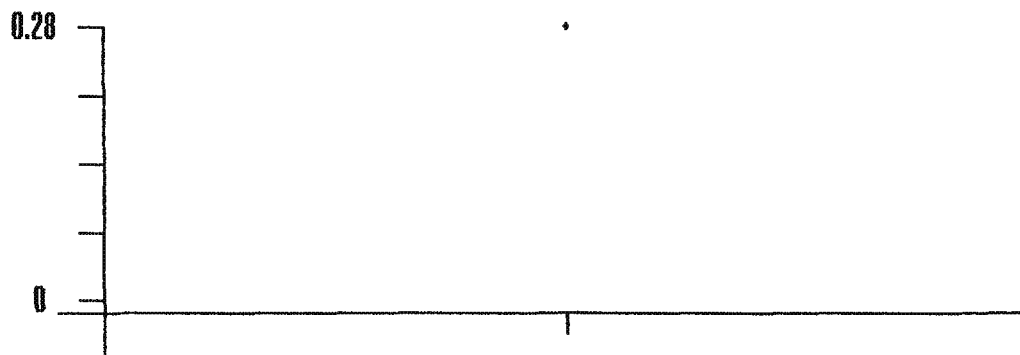
Component: ETO

Start Time: Oct 3, 2003 08:52

End Time: Oct 3, 2003 08:52

Number of points: 1

Average Value: 0.28

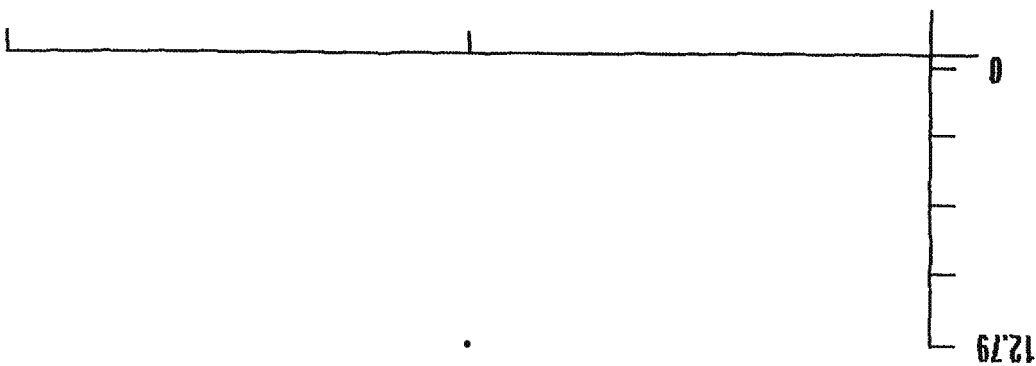


Oct/03/2003 08:52 .28

# Monitor Single Port

WBI 1N

Port Diagnostic  
 Component ETO  
 Start Time: Oct 10, 2003 18:45  
 End Time: Oct 10, 2003 18:45  
 Number of points: 1  
 Average Value: 12.79  
 Oct 10, 2003 18:45 12.79



Monitor Single Port

WBI OUT

Port: Diagnostic

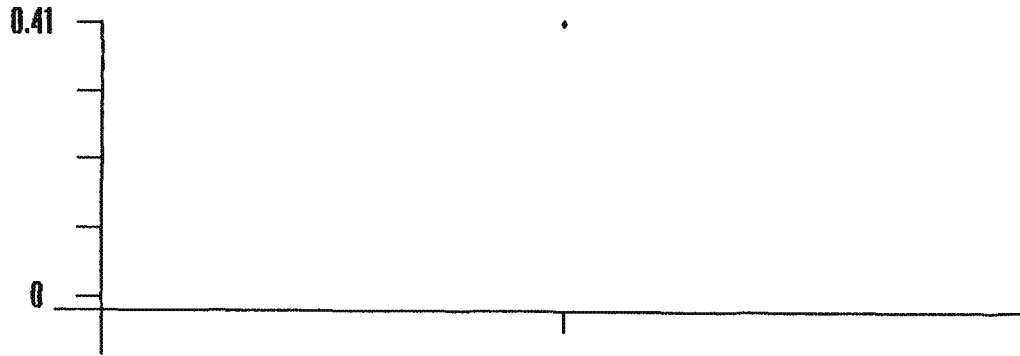
Component: ETO

Start Time: Oct 10, 2003 18:33

End Time: Oct 10, 2003 18:33

Number of points: 1

Average Value: 0.41



Oct/10/2003 18:33 .41



Monitor Single Port

II out

Port Diagnostic

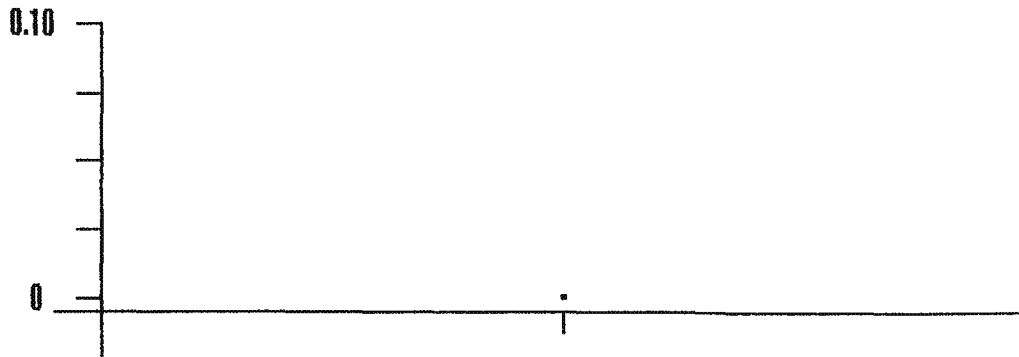
Component: ETO

Start Time: Oct 10, 2003 18:21

End Time: Oct 10, 2003 18:21

Number of points: 1

Average Value: 0.00



Oct/10/2003 18:21 .00

Monitor Single Port

WP II IN

Port: Diagnostic

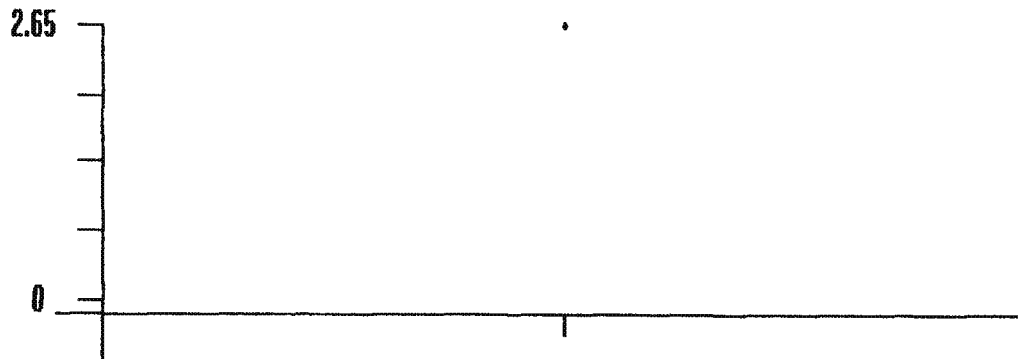
Component: ETO

Start Time: Oct 10, 2003 18:39

End Time: Oct 10, 2003 18:39

Number of points: 1

Average Value: 2.65



Oct/10/2003 18:39 2.65

2B II AV IN

Port Diagnostic

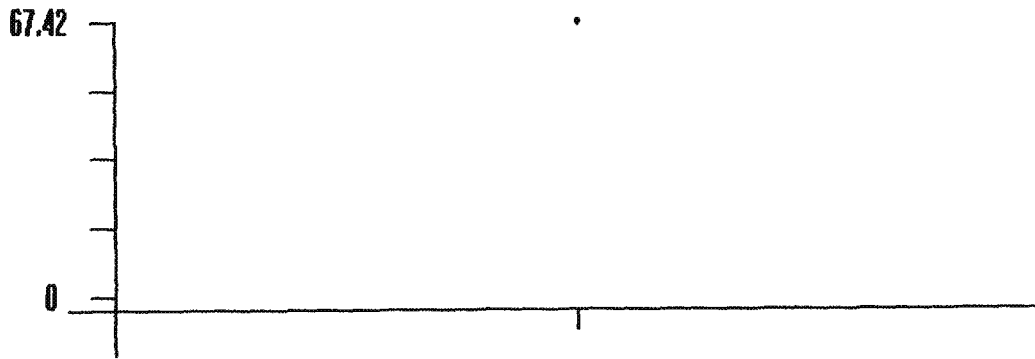
Component: ETO

Start Time: Oct 10, 2003 18:51

End Time: Oct 10, 2003 18:51

Number of points: 1

Average Value: 67.42



Oct/10/2003 18:51 67.42

# Monitor Single Port

Port: Diagnostic

Component: ETO

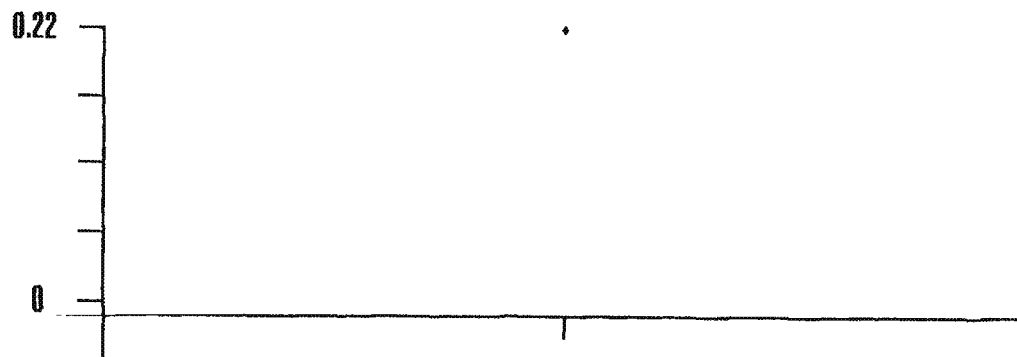
Start Time: Oct 10, 2003 18:27

End Time: Oct 10, 2003 18:27

Number of points: 1

Average Value: 0.22

WB II AV OUT



Monitor Single Port

Calibration

Port: Diagnostic

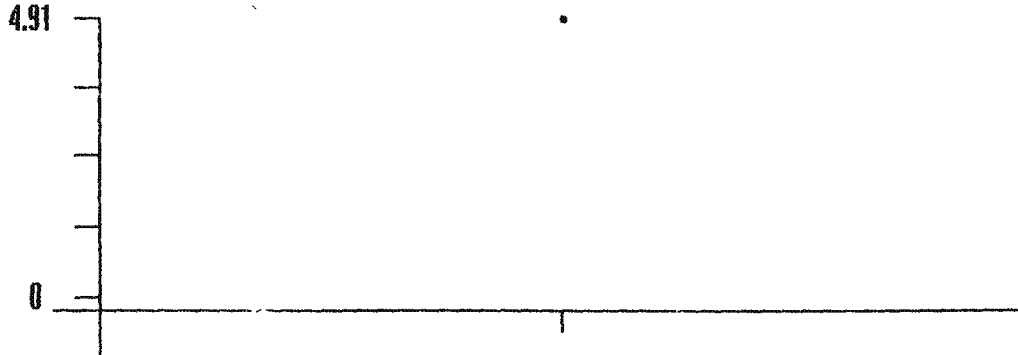
Component: ETO

Start Time: Oct 10, 2003 18:14

End Time: Oct 10, 2003 18:14

Number of points: 1

Average Value: 4.91



Oct/10/2003 18:14 4.91

Monitor Single Port

*WBI inlet*

Port Diagnostic

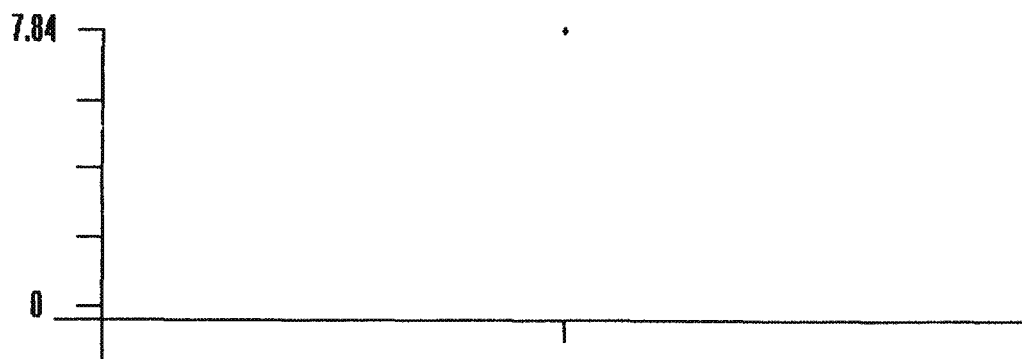
Component: ETO

Start Time: Oct 15, 2003 11:18

End Time: Oct 15, 2003 11:18

Number of points: 1

Average Value: 7.84



Oct/15/2003 11:18 7.84

Monitor Single Port

WBI outlet

Port: Diagnostic

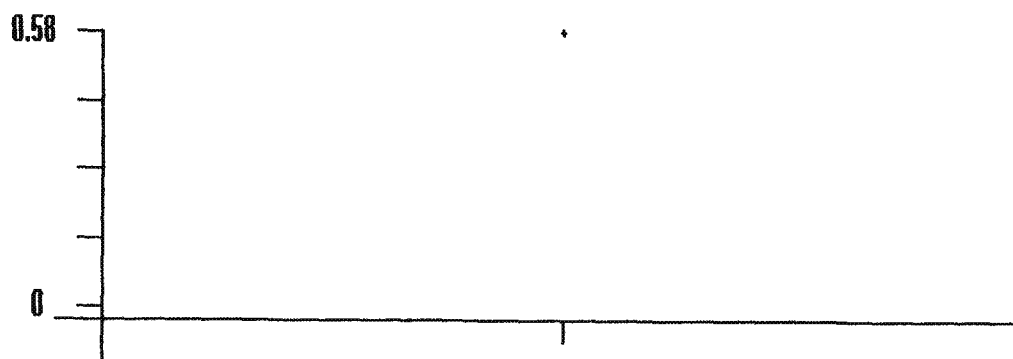
Component: ETO

Start Time: Oct 15, 2003 11:13

End Time: Oct 15, 2003 11:13

Number of points: 1

Average Value: 0.58



Oct/15/2003 11:13 .58

WBI Inlet

Monitor Single Port

Port: Diagnostic

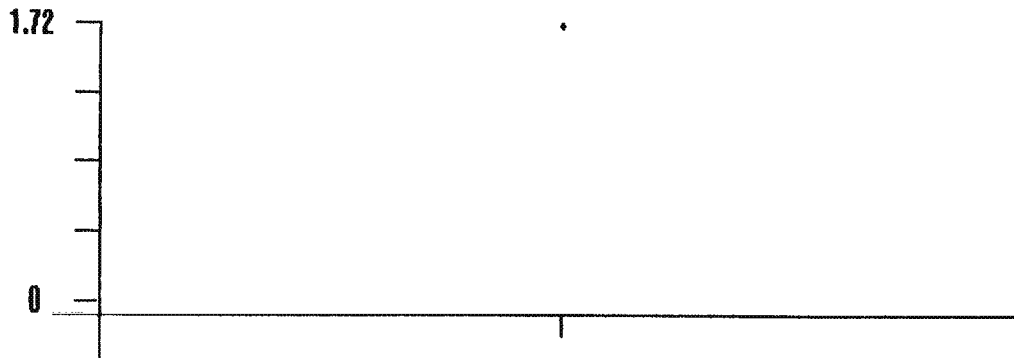
Component: ETO

Start Time: Oct 15, 2003 11:27

End Time: Oct 15, 2003 11:27

Number of points: 1

Average Value: 1.72



Oct/15/2003 11:27 1.72



Monitor Single Port

*WBTT outlet*

Port: Diagnostic

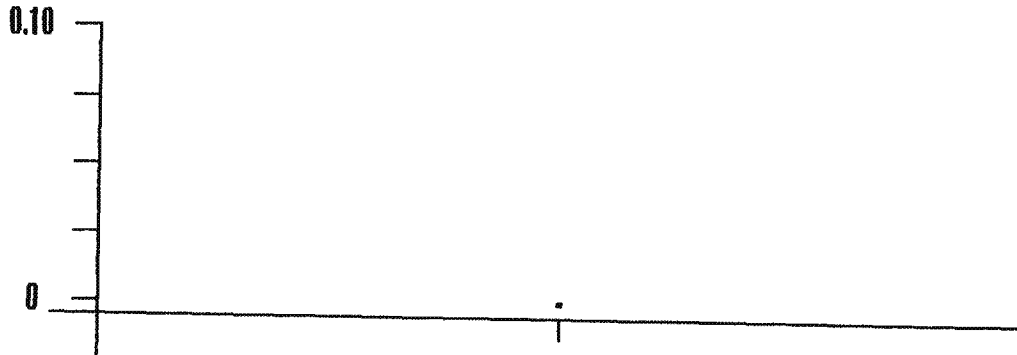
Component: ETO

Start Time: Oct 15, 2003 11:23

End Time: Oct 15, 2003 11:23

Number of points: 1

Average Value: 0.00



Oct 15, 2003 11:23 .00

Monitor Single Port

UB II inlet A.F.

Port: Diagnostic

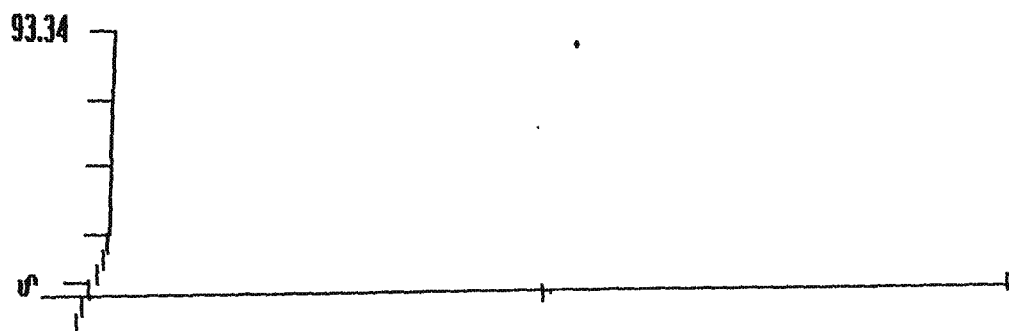
Component: ETO

Start Time: Oct 15, 2003 11:37

End Time: Oct 15, 2003 11:37

Number of points: 1

Average Value: 93.34



Oct 15, 2003 11:37 93.34

WB. H outlet 04'1,

Port Diagnostic

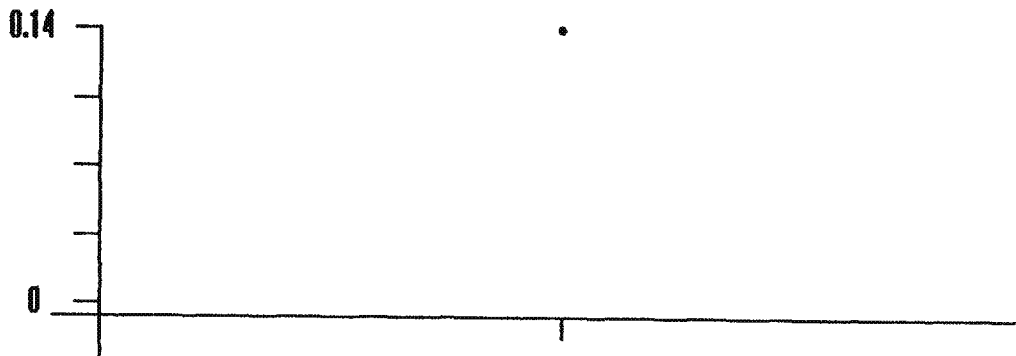
Component ETO

Start Time: Oct 15, 2003 11:32

End Time: Oct 15, 2003 11:32

Number of points: 1

Average Value: 0.14



Oct/15/2003 11:32 .14

Monitor Single Port

1.18PM

Port: Diagnostic

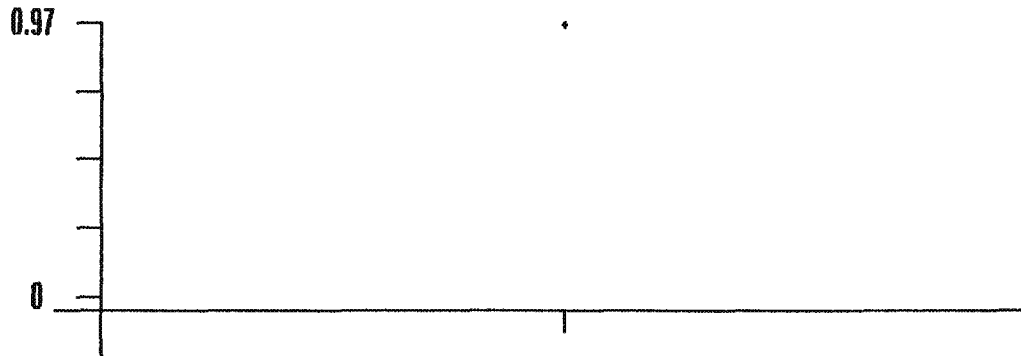
Component: ETO

Start Time: Oct 15, 2003 11:08

End Time: Oct 15, 2003 11:08

Number of points: 1

Average Value: 0.97



Oct/15/2003 11:08 .97

501 BPM

Monitor Single Port

Port: Diagnostic

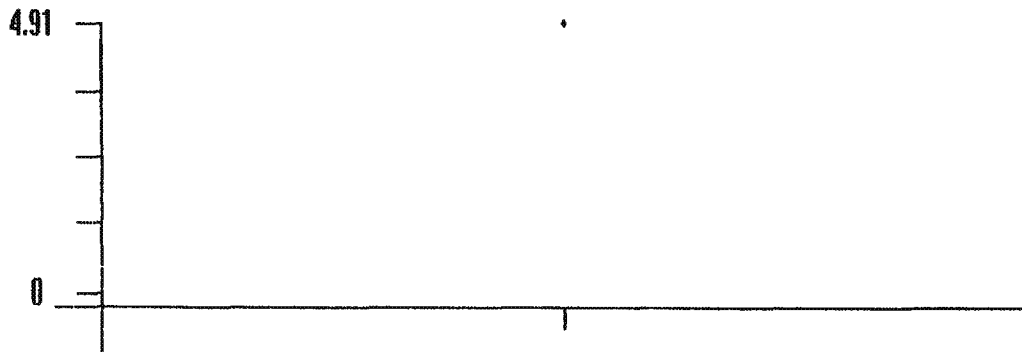
Component: ETO

Start Time: Oct 15, 2003 11:03

End Time: Oct 15, 2003 11:03

Number of points: 1

Average Value: 4.91

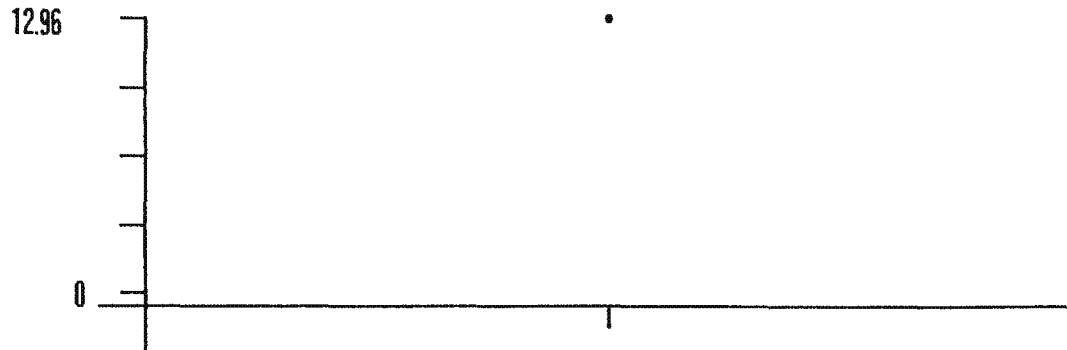


Oct/15/2003 11:03 4.91

UBI inlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 22, 2003 14:00 |
| End Time:         | Oct 22, 2003 14:00 |
| Number of points: | 1                  |
| Average Value:    | 12.96              |



WBI outlet

Monitor Single Port

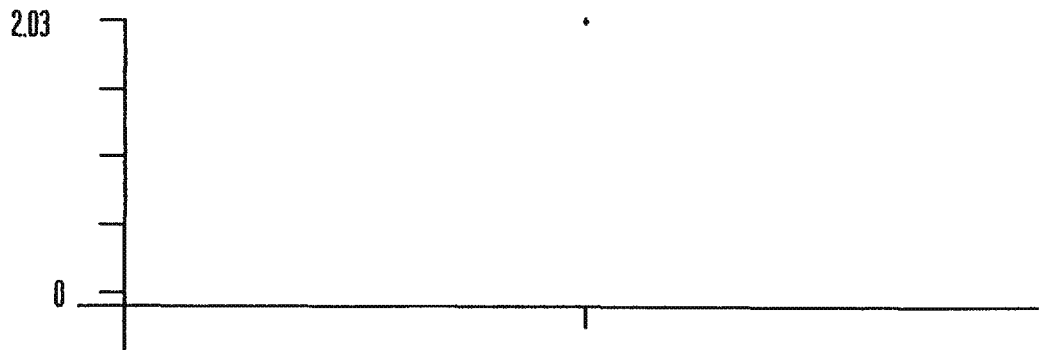
Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 13:54  
End Time: Oct 22, 2003 13:56  
Number of points: 2  
Average Value: 0.30



UBT inlet

Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 14:10  
End Time: Oct 22, 2003 14:10  
Number of points: 1  
Average Value: 2.03

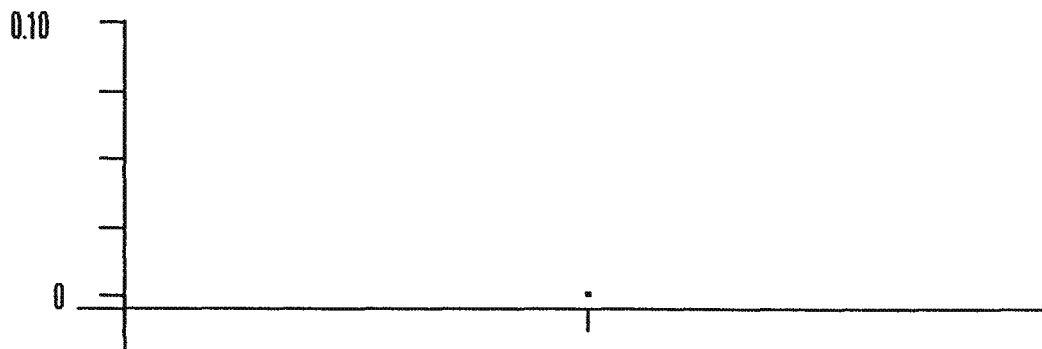




WB # outlet

Monitor Single Port

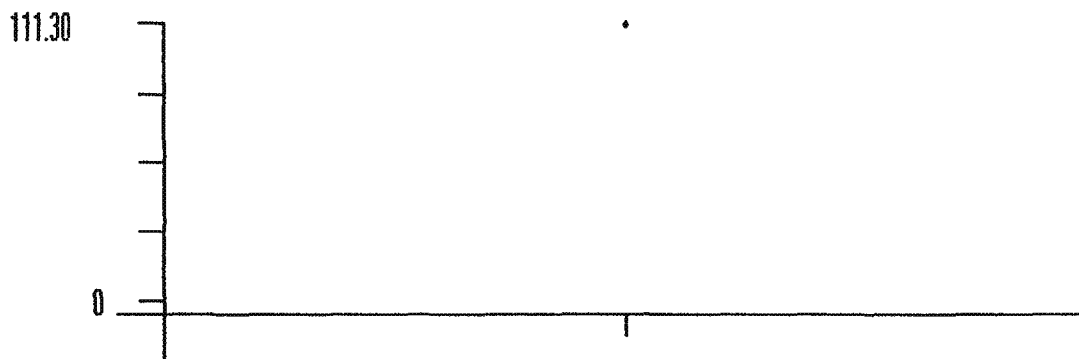
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 22, 2003 14:05 |
| End Time:         | Oct 22, 2003 14:05 |
| Number of points: | 1                  |
| Average Value:    | 0.00               |



WB II inlet AF

# Monitor Single Port

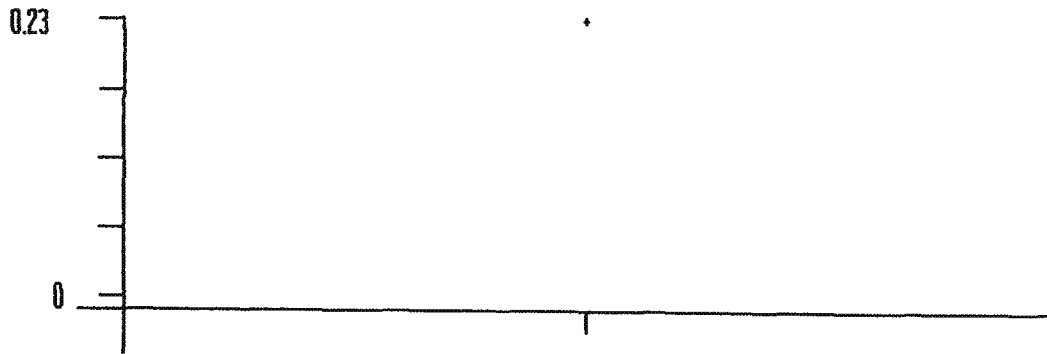
Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 14:36  
End Time: Oct 22, 2003 14:36  
Number of points: 1  
Average Value: 111.30



UB II outlet A.F.

Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 14:14  
End Time: Oct 22, 2003 14:14  
Number of points: 1  
Average Value: 0.23

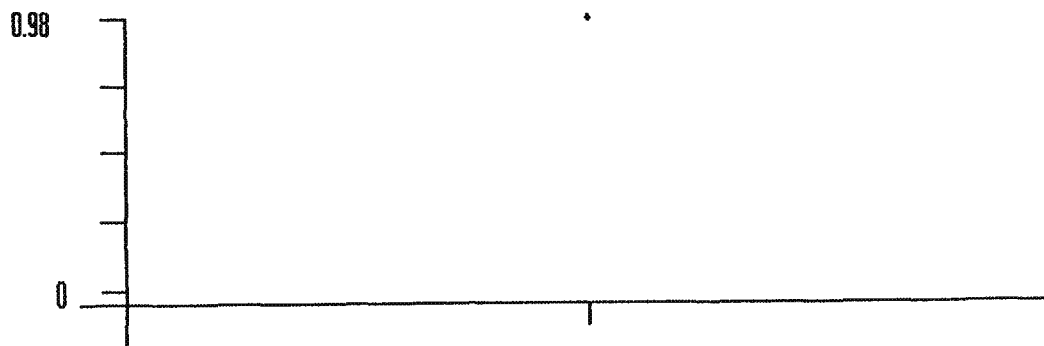


Number of points: 1  
Average Value: 0.23  
Time: Oct 22, 2003 14:14

1,18PM

Monitor Single Port

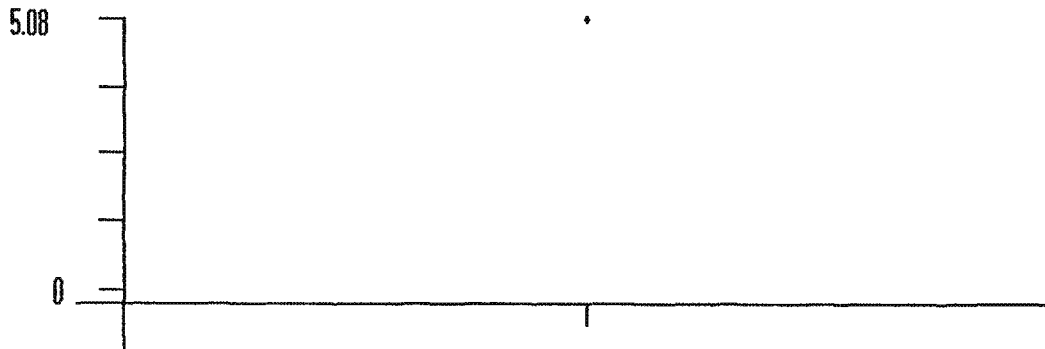
Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 13:49  
End Time: Oct 22, 2003 13:49  
Number of points: 1  
Average Value: 0.98



5.1 PPM

Monitor Single Port

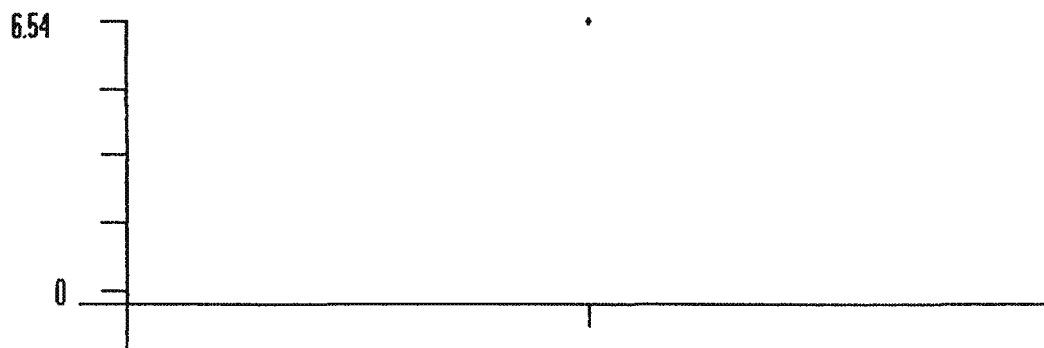
Port Diagnostic  
Component ETO  
Start Time: Oct 22, 2003 13:44  
End Time: Oct 22, 2003 13:44  
Number of points: 1  
Average Value: 5.08



WBT inlet

Monitor Single Port

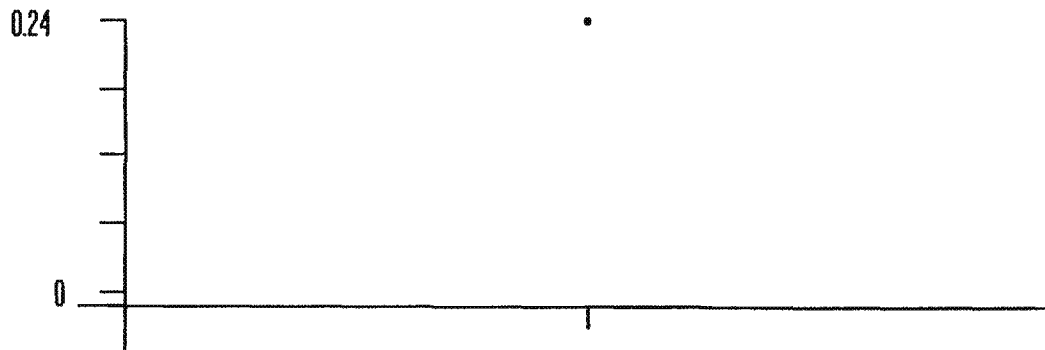
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:33 |
| End Time:         | Oct 28, 2003 10:33 |
| Number of points: | 1                  |
| Average Value:    | 6.54               |



*WBT outlet*

Monitor Single Port

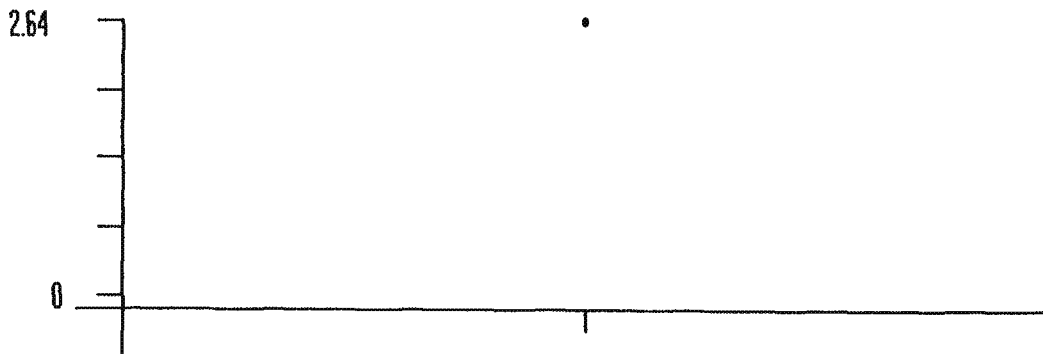
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:28 |
| End Time:         | Oct 28, 2003 10:28 |
| Number of points: | 1                  |
| Average Value:    | 0.24               |



WB IT inlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:39 |
| End Time:         | Oct 28, 2003 10:39 |
| Number of points: | 1                  |
| Average Value:    | 2.64               |

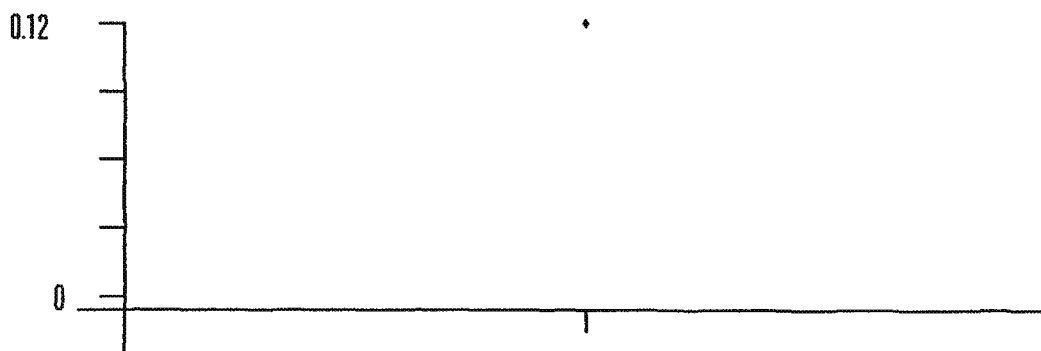




WBT outlet

Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Oct 28, 2003 10:44  
End Time: Oct 28, 2003 10:44  
Number of points: 1  
Average Value: 0.12

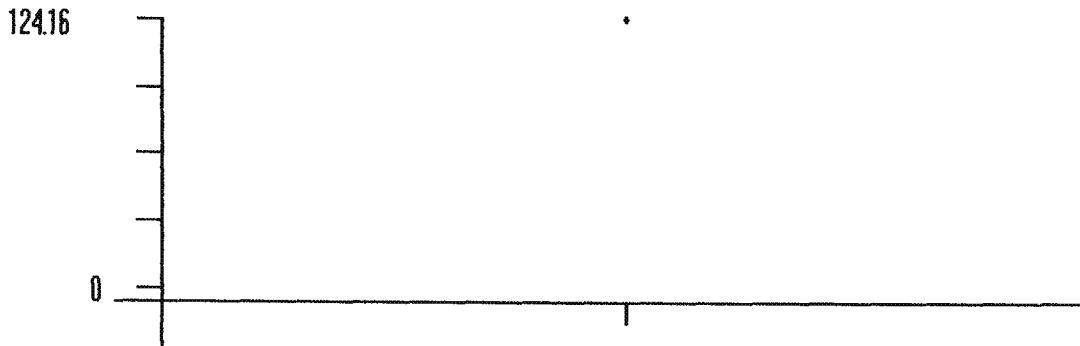


WBI Inlet

A.F

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:54 |
| End Time:         | Oct 28, 2003 10:54 |
| Number of points: | 1                  |
| Average Value:    | 124.16             |

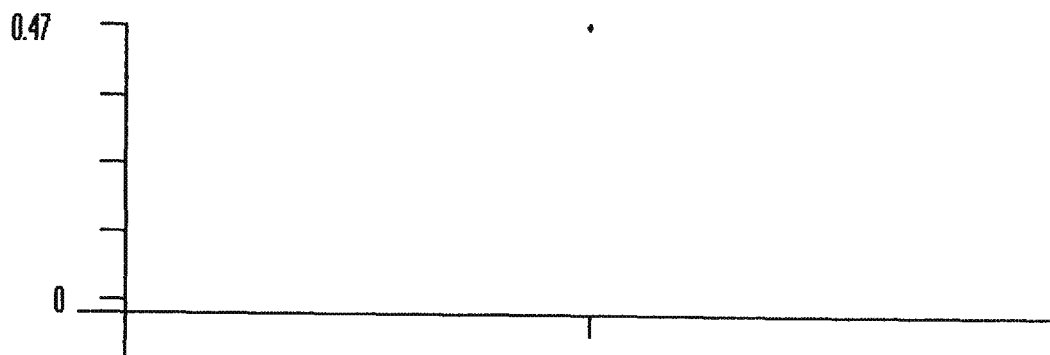


1. B.T. Outlet

A.F.

### Monitor Single Port

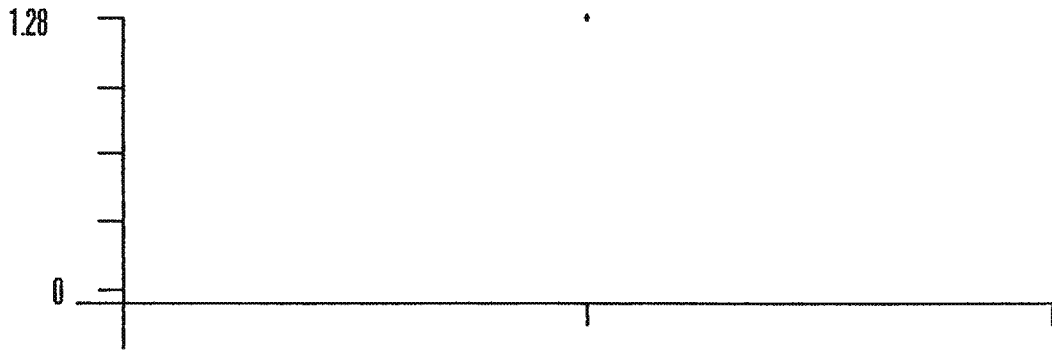
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:49 |
| End Time:         | Oct 28, 2003 10:49 |
| Number of points: | 1                  |
| Average Value:    | 0.47               |



1.18PM

# Monitor Single Port

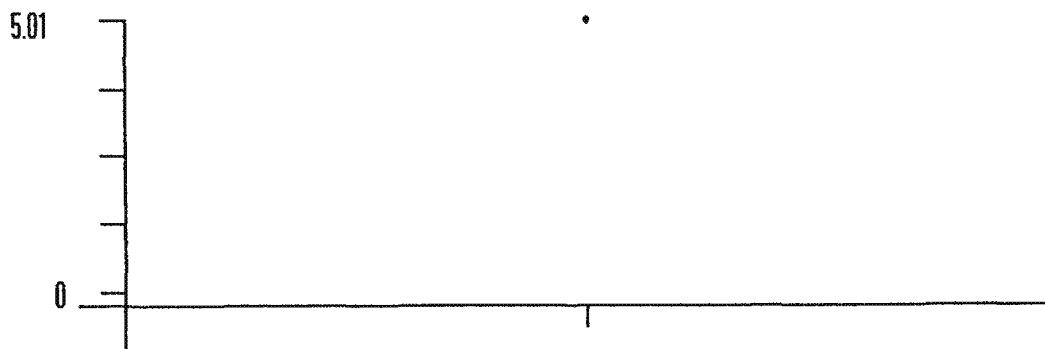
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Oct 28, 2003 10:24 |
| End Time:         | Oct 28, 2003 10:24 |
| Number of points: | 1                  |
| Average Value:    | 1.28               |



5.18PM

Monitor Single Port

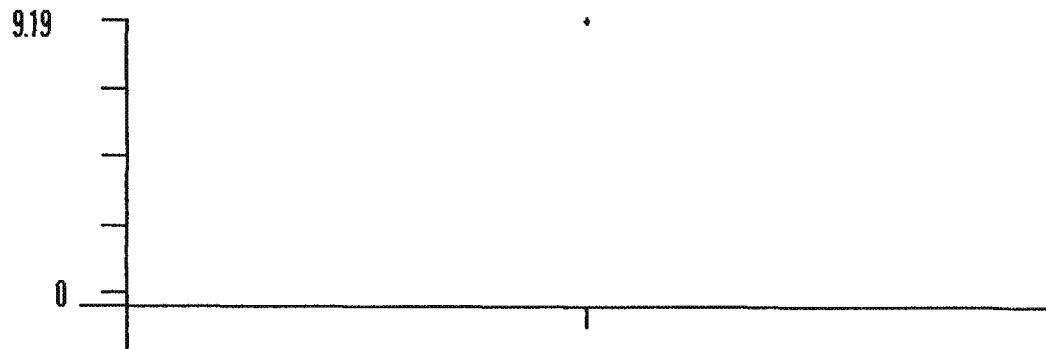
Port: Diagnostic  
Component: ETO  
Start Time: Oct 28, 2003 10:13  
End Time: Oct 28, 2003 10:13  
Number of points: 1  
Average Value: 5.01



WBI inlet

Monitor Single Port

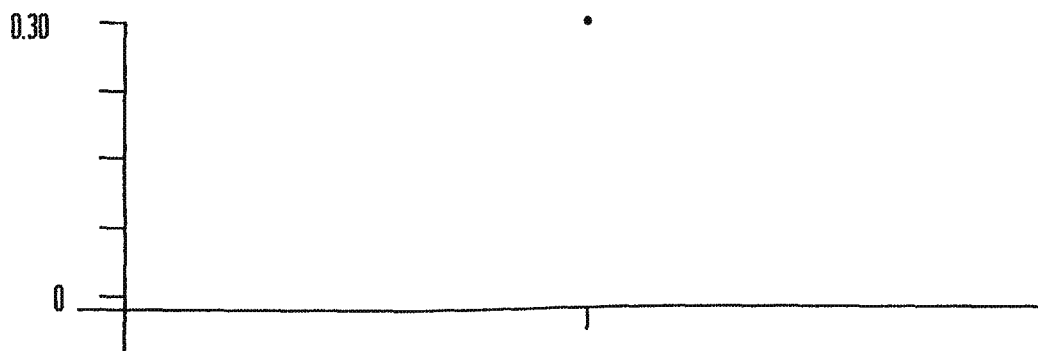
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:15 |
| End Time:         | Nov 6, 2003 08:15 |
| Number of points: | 1                 |
| Average Value:    | 9.19              |



WBI outlet

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:07 |
| End Time:         | Nov 6, 2003 08:07 |
| Number of points: | 1                 |
| Average Value:    | 0.30              |



11 BT inlet

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:26 |
| End Time:         | Nov 6, 2003 08:26 |
| Number of points: | 1*                |
| Average Value:    | 3.54              |

3.54

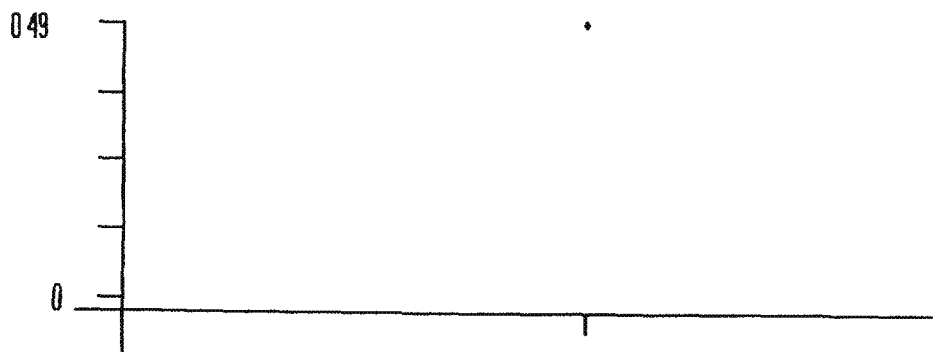
0



WBI outlet

Monitor Single Port

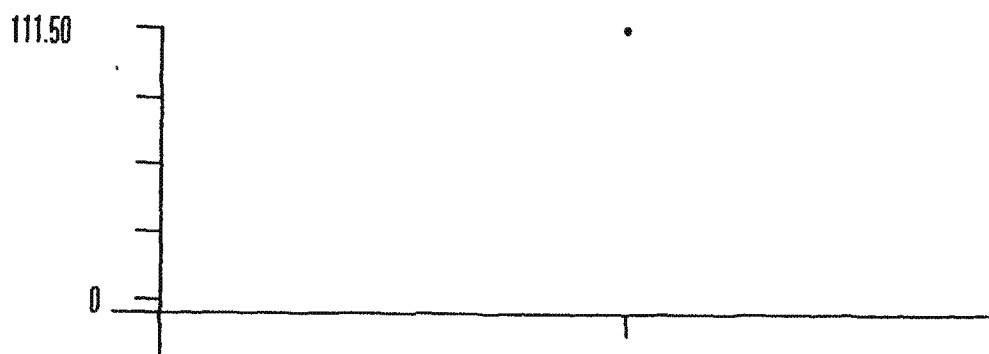
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:32 |
| End Time:         | Nov 6, 2003 08:32 |
| Number of points: | 1                 |
| Average Value:    | 0.49              |



WBI outlet A.F

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 09:06 |
| End Time:         | Nov 6, 2003 09:06 |
| Number of points: | 1                 |
| Average Value:    | 111.50            |

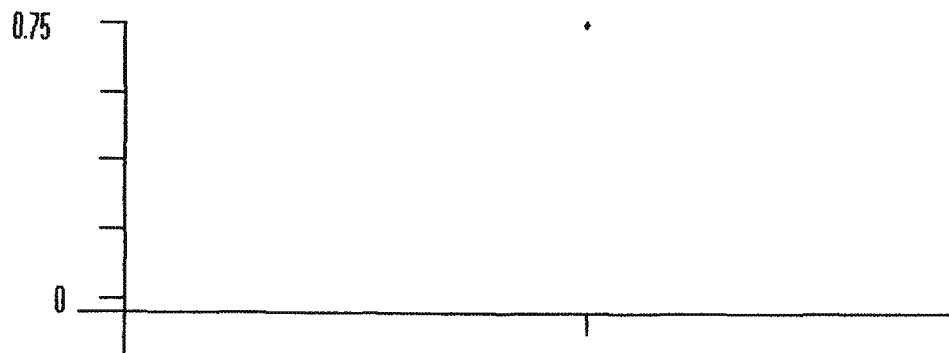


WBT outlet

A.F.

Monitor Single Port

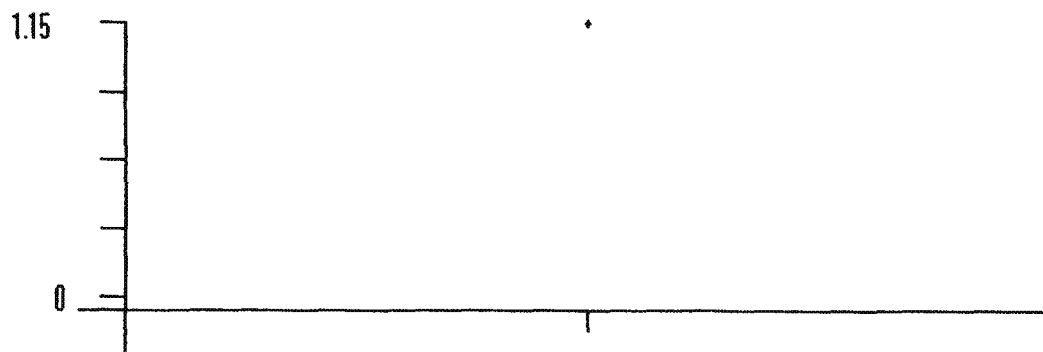
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:38 |
| End Time:         | Nov 6, 2003 08:38 |
| Number of points: | 1                 |
| Average Value:    | 0.75              |



1.18PM

Monitor Single Port

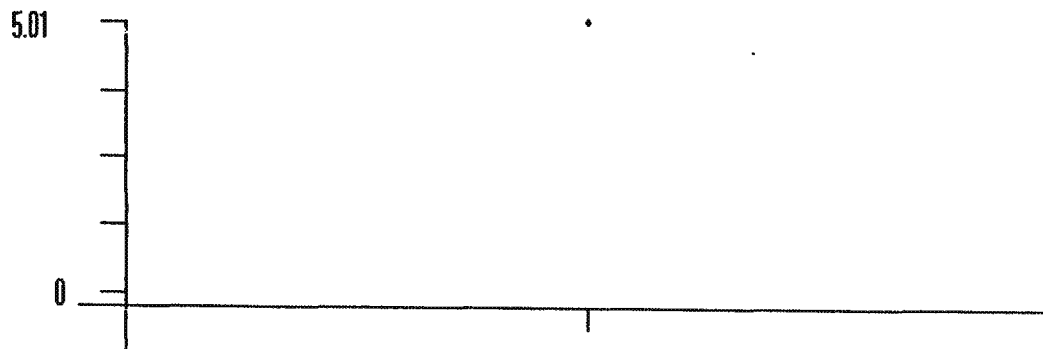
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 08:03 |
| End Time:         | Nov 6, 2003 08:03 |
| Number of points: | 1                 |
| Average Value:    | 1.15              |



5.1 PPM

Monitor Single Port

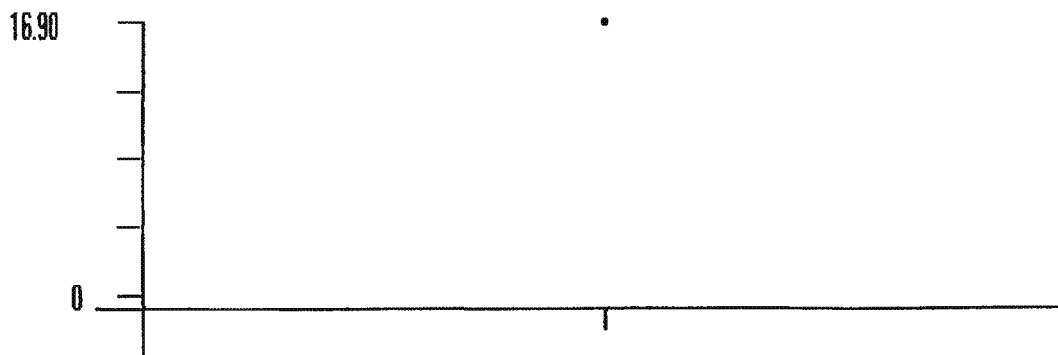
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 6, 2003 07:54 |
| End Time:         | Nov 6, 2003 07:54 |
| Number of points: | 1                 |
| Average Value:    | 5.01              |



Monitor Single Port

WB 1  
IN

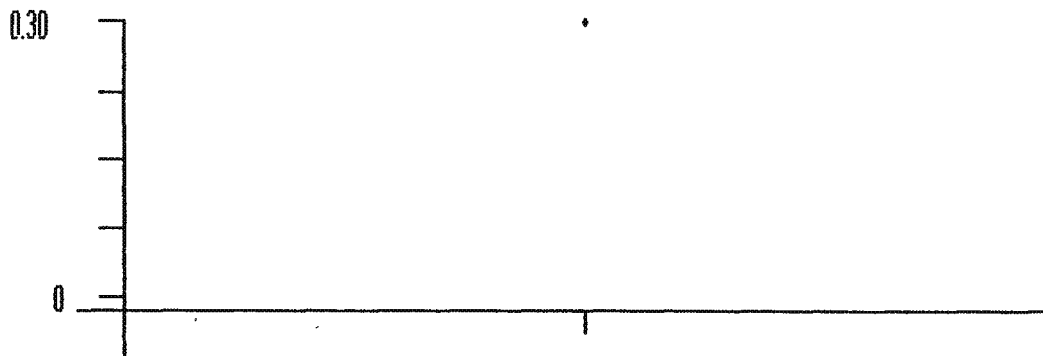
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 12, 2003 11:09 |
| End Time:         | Nov 12, 2003 11:09 |
| Number of points: | 1                  |
| Average Value:    | 16.90              |



WBF outlet

Monitor Single Port

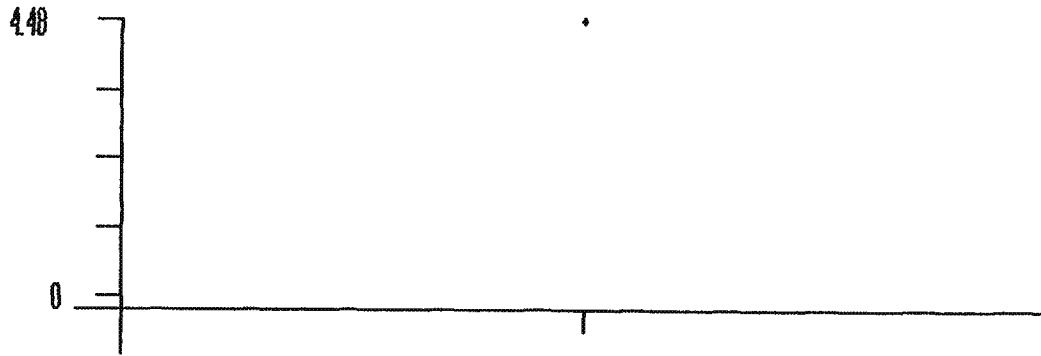
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 12, 2003 15:49 |
| End Time:         | Nov 12, 2003 15:49 |
| Number of points: | 1                  |
| Average Value:    | 0.30               |



Monitor Single Port

WB  
INLE

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 12, 2003 11:37 |
| End Time:         | Nov 12, 2003 11:37 |
| Number of points: | 1                  |
| Average Value:    | 4.48               |



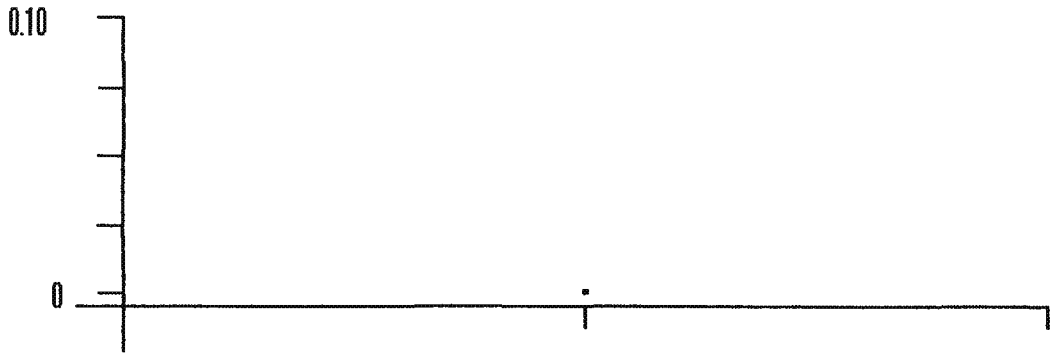


WB II

Monitor Single Port

000

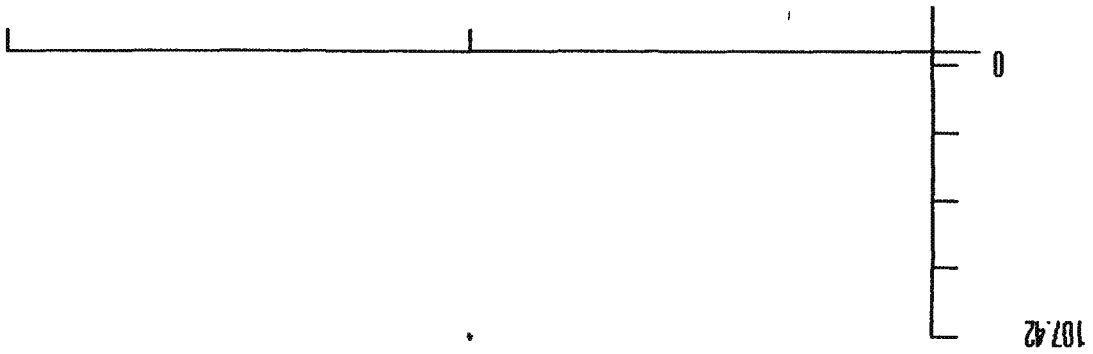
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 12, 2003 11:31 |
| End Time:         | Nov 12, 2003 11:31 |
| Number of points: | 1                  |
| Average Value:    | 0.00               |



Monitor Single Port

W6 II  
12  
A

Port Diagnostic  
Component ETO  
Start Time: Nov 12 2003 11:58  
End Time: Nov 12 2003 11:58  
Number of points: 1  
Average Value: 107.42



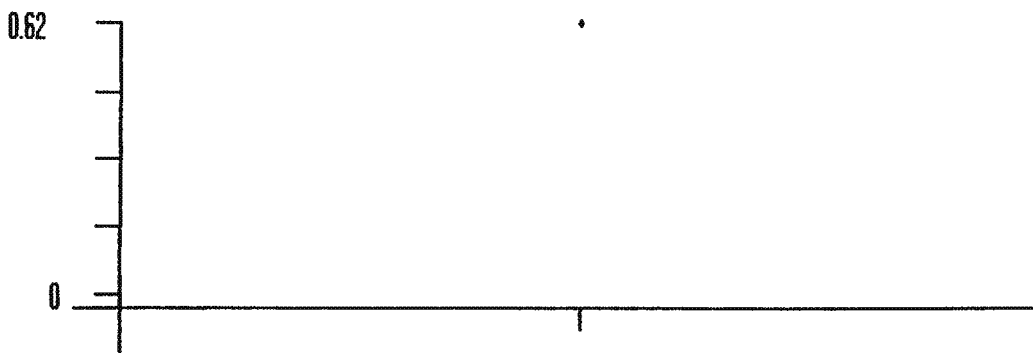
WB II

OUT

AFTER VAC.

Monitor Single Port

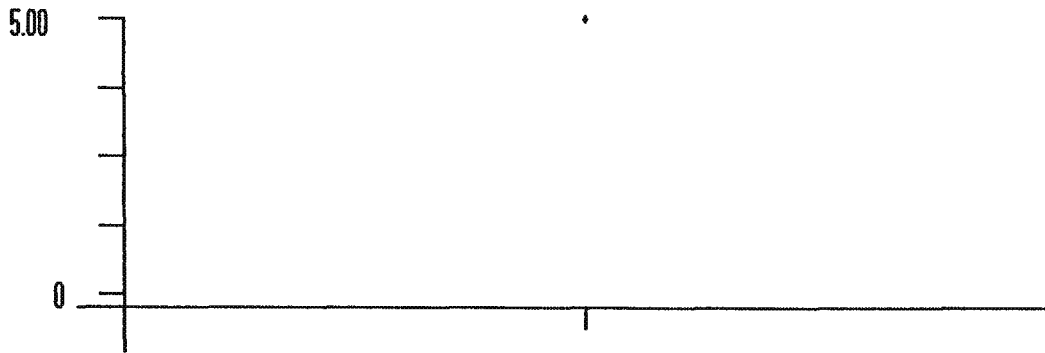
Port Diagnostic  
Component ETO  
Start Time: Nov 12, 2003 11:53  
End Time: Nov 12, 2003 11:53  
Number of points: 1  
Average Value: 0.62



Monitor Single Port

5.1 ppm

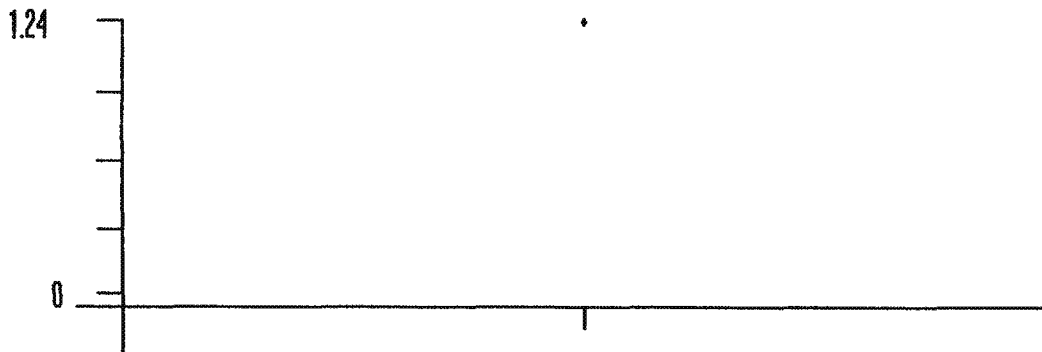
Port Diagnostic  
Component ETO  
Start Time: Nov 12, 2003 10:52  
End Time: Nov 12, 2003 10:52  
Number of points: 1  
Average Value: 5.00



1.1 ppm

# Monitor Single Port

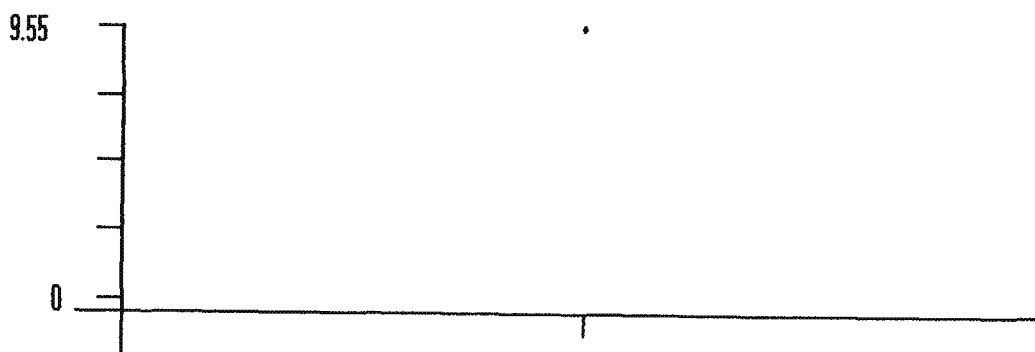
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 12, 2003 11:02 |
| End Time:         | Nov 12, 2003 11:02 |
| Number of points: | 1                  |
| Average Value:    | 1.24               |



11 BT Inlet

Monitor Single Port

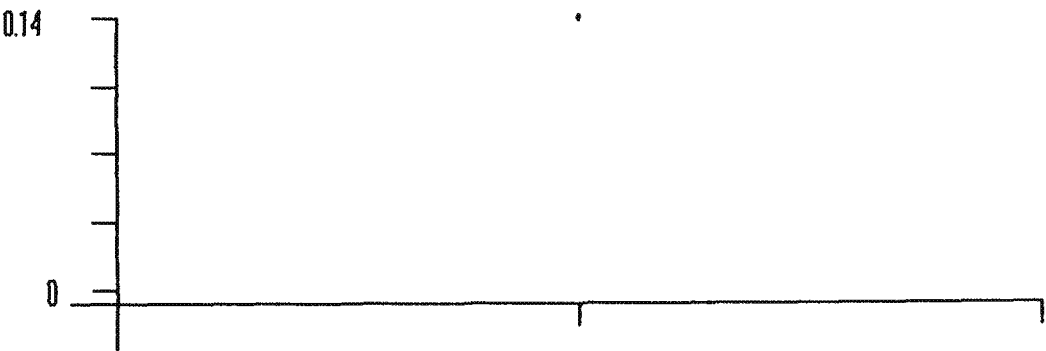
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:35 |
| End Time:         | Nov 20, 2003 10:35 |
| Number of points: | 1                  |
| Average Value:    | 9.55               |



UBF outlet

Monitor Single Port

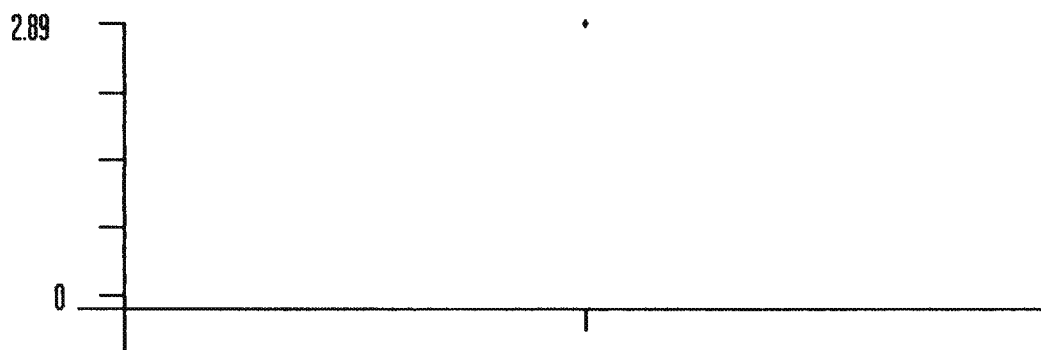
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:30 |
| End Time:         | Nov 20, 2003 10:30 |
| Number of points: | 1                  |
| Average Value:    | 0.14               |



WB # Inlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:44 |
| End Time:         | Nov 20, 2003 10:44 |
| Number of points: | 1                  |
| Average Value:    | 2.89               |

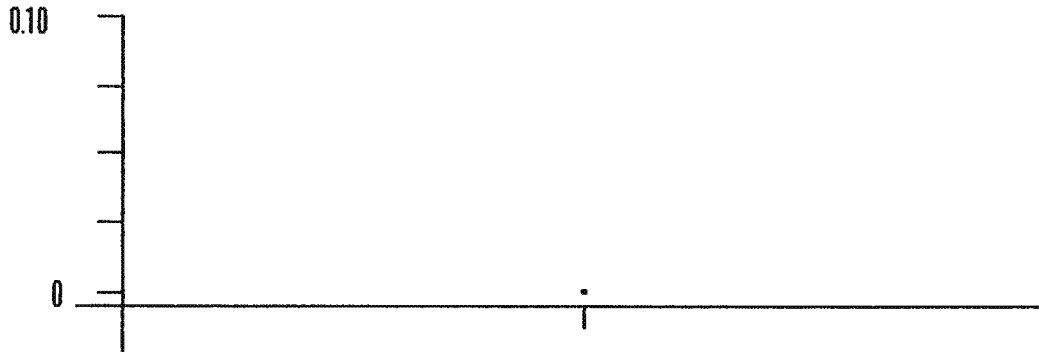




WB outlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:40 |
| End Time:         | Nov 20, 2003 10:40 |
| Number of points: | 1                  |
| Average Value:    | 0.00               |

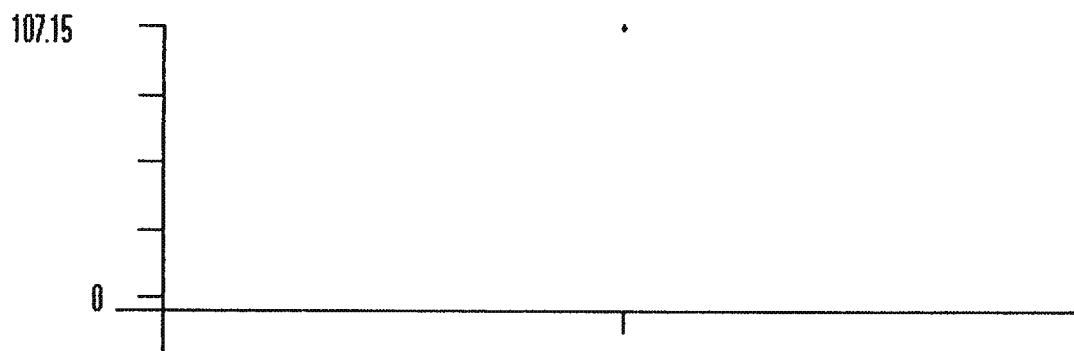


WBT Inlet

A.F.

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:54 |
| End Time:         | Nov 20, 2003 10:54 |
| Number of points: | 1                  |
| Average Value:    | 107.15             |

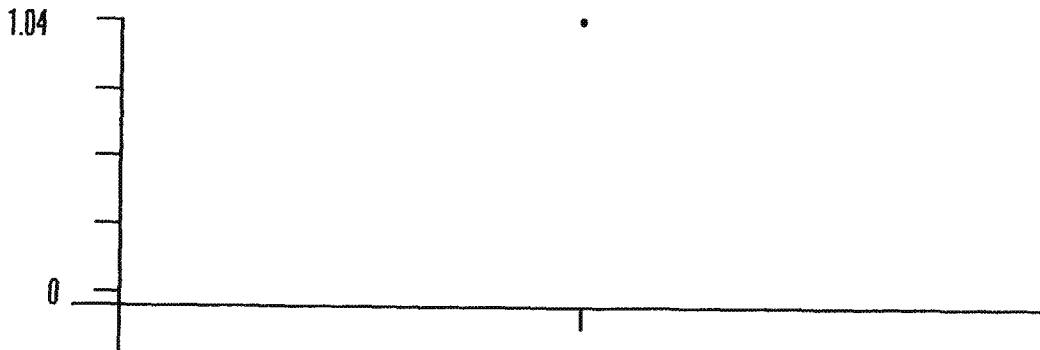


1 VBA outlet

A.F.

Monitor Single Port

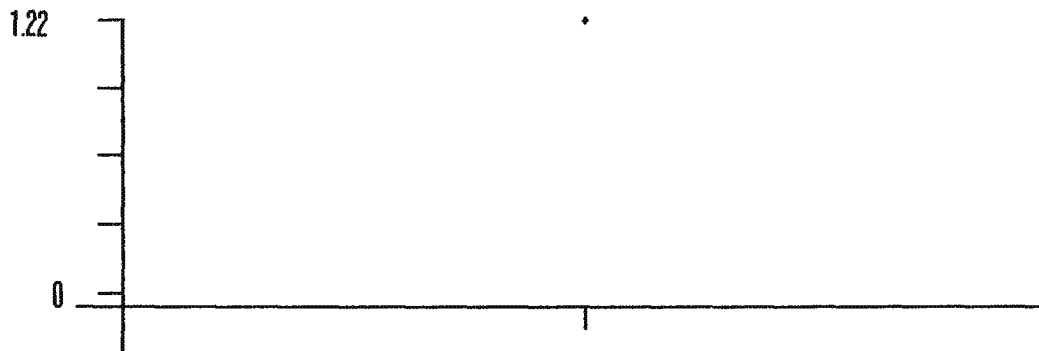
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:49 |
| End Time:         | Nov 20, 2003 10:49 |
| Number of points: | 1                  |
| Average Value:    | 1.04               |



1,18PM

### Monitor Single Port

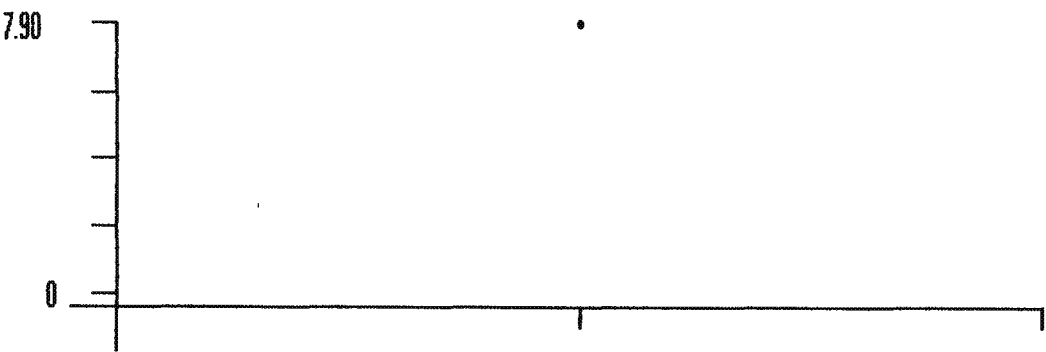
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 20, 2003 10:25 |
| End Time:         | Nov 20, 2003 10:25 |
| Number of points: | 1                  |
| Average Value:    | 1.22               |



UBI Inlet

Monitor Single Port

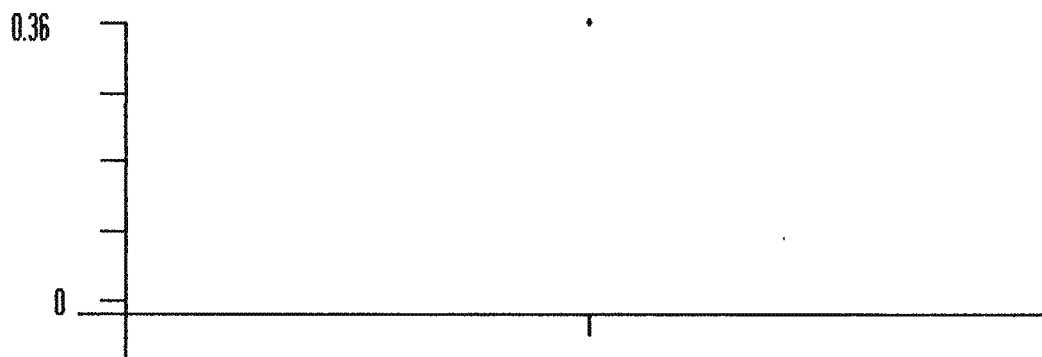
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:36 |
| End Time:         | Nov 24, 2003 10:36 |
| Number of points: | 1                  |
| Average Value:    | 7.90               |



WBI outlet

Monitor Single Port

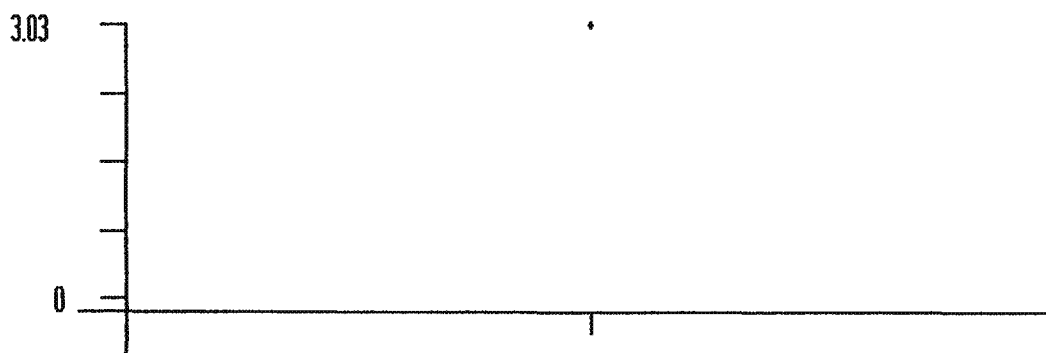
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:31 |
| End Time:         | Nov 24, 2003 10:31 |
| Number of points: | 1                  |
| Average Value:    | 0.36               |



WB II ~~inlet~~  
~~inlet~~  
~~outlet~~

Monitor Single Port

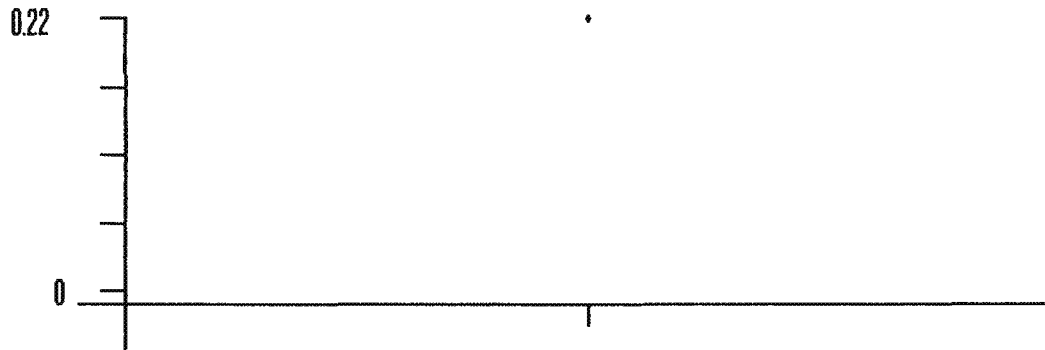
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Nov 24 2003 10:41 |
| End Time:         | Nov 24 2003 10:41 |
| Number of points: | 1                 |
| Average Value:    | 3.03              |



w3 II ~~inlet~~  
outlet

### Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:46 |
| End Time:         | Nov 24, 2003 10:46 |
| Number of points: | 1                  |
| Average Value:    | 0.22               |

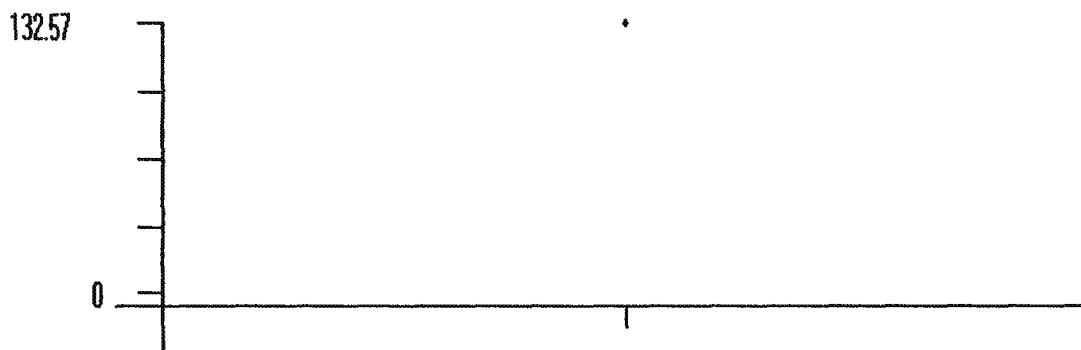




WBI Inlet-AF

Monitor Single Port

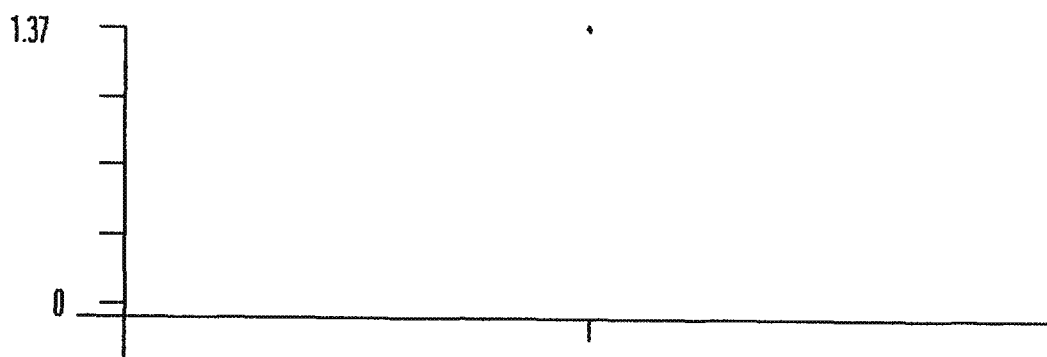
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 11:00 |
| End Time:         | Nov 24, 2003 11:00 |
| Number of points: | 1                  |
| Average Value:    | 132.57             |



WBD outlet A.F

Monitor Single Port

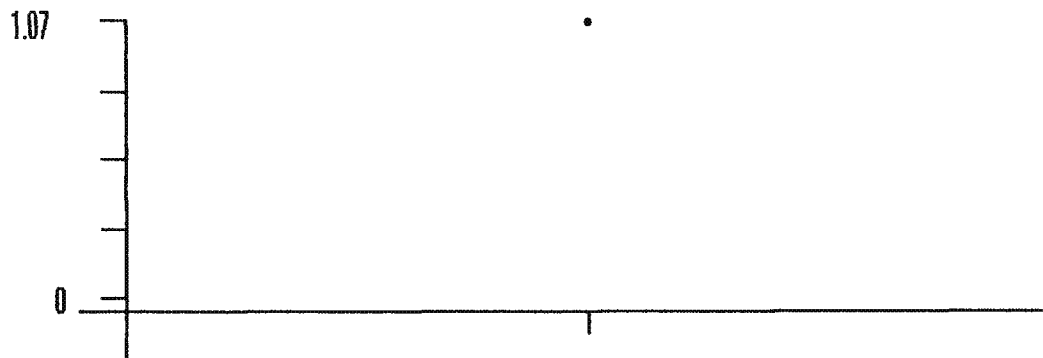
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:55 |
| End Time:         | Nov 24, 2003 10:55 |
| Number of points: | 1                  |
| Average Value:    | 1.37               |



1.18PPM

# Monitor Single Port

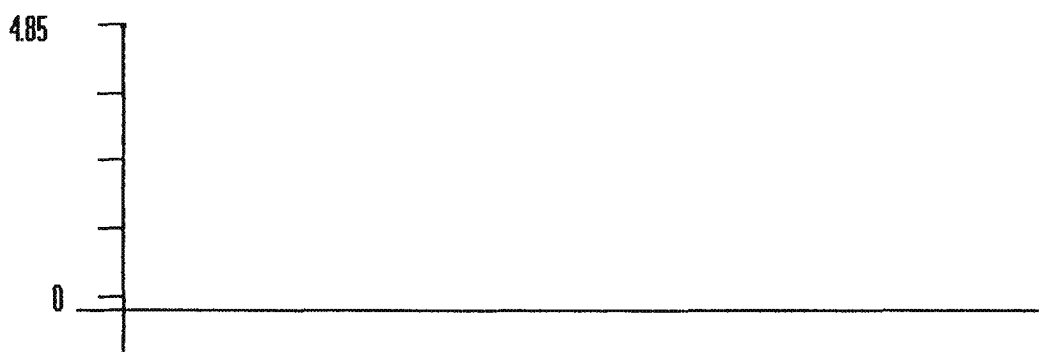
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:26 |
| End Time:         | Nov 24, 2003 10:26 |
| Number of points: | 1                  |
| Average Value:    | 1.07               |



5.1 PPM

Monitor Single Port

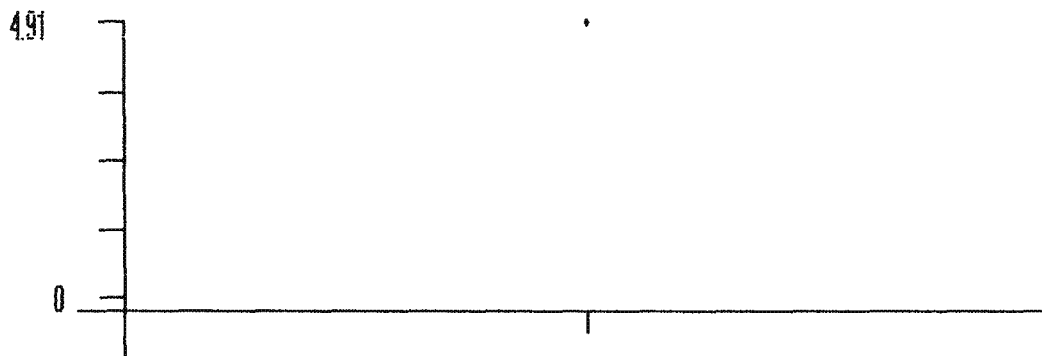
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Nov 24, 2003 10:18 |
| End Time:         | Nov 24, 2003 10:20 |
| Number of points: | 2                  |
| Average Value:    | 4.84               |



5.18PM

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Dec 5, 2003 07:51 |
| End Time:         | Dec 5, 2003 07:51 |
| Number of points: | 1                 |
| Average Value:    | 4.91              |

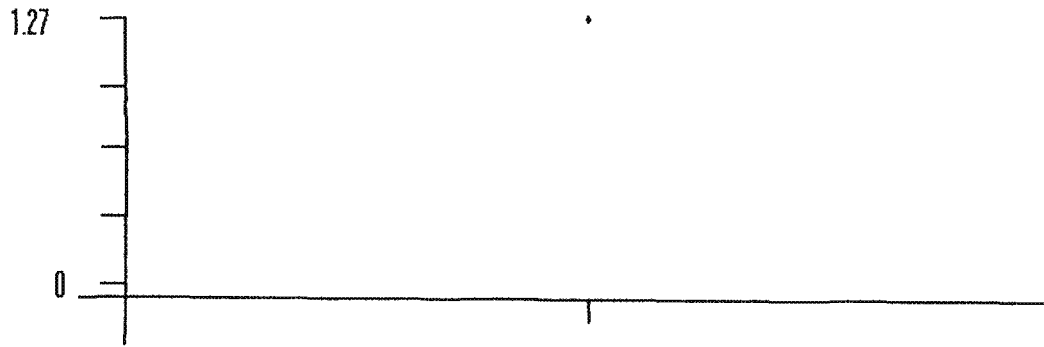


Monitor Single Port

Port Diagnostic

Start Time: Dec 5, 2003 07:56  
End Time: Dec 5, 2003 07:56  
Number of points: 1  
Average Value: 1.27

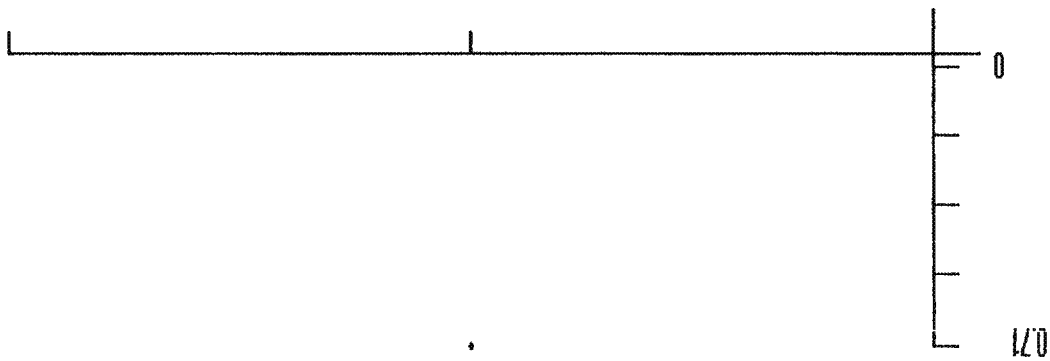
1.1 RPM



*WBI cult*

Monitor Single Port

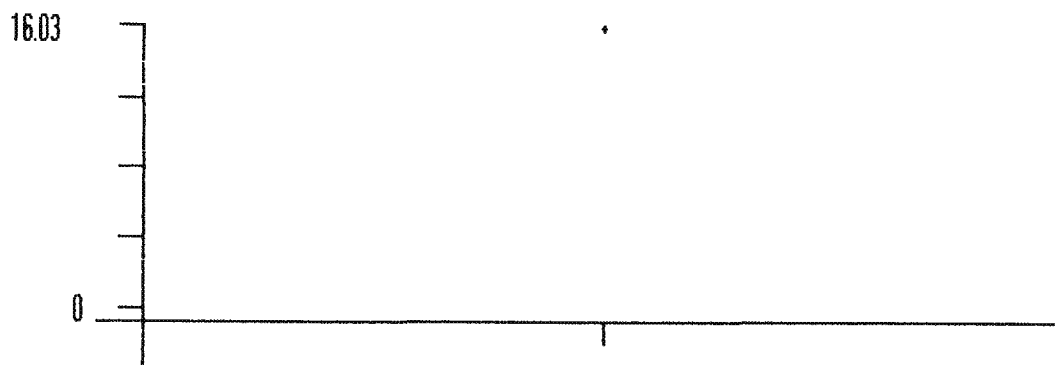
Port Diagnostic  
 Component ETO  
 Start Time: Dec 5, 2003 08:02  
 End Time: Dec 5, 2003 08:02  
 Number of points: 1  
 Average Value: 0.71



WBI inlet

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Dec 5, 2003 08:06 |
| End Time:         | Dec 5, 2003 08:06 |
| Number of points: | 1                 |
| Average Value:    | 16.03             |

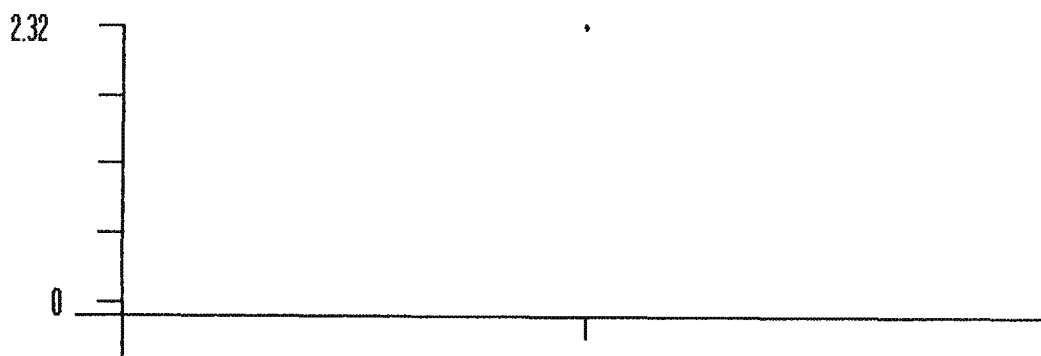




UBII inlet

Monitor Single Port

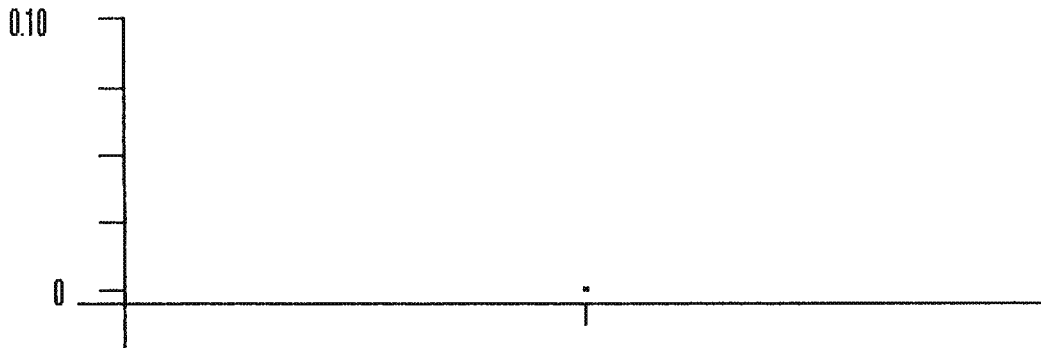
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Dec 5, 2003 08:16 |
| End Time:         | Dec 5, 2003 08:16 |
| Number of points: | 1                 |
| Average Value:    | 2.32              |



UBT outlet

Monitor Single Port

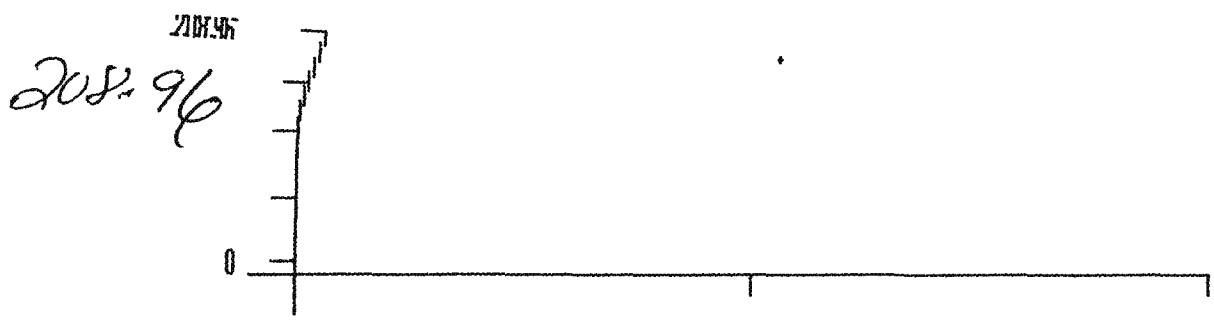
|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Dec 5, 2003 08:11 |
| End Time:         | Dec 5, 2003 08:11 |
| Number of points: | 1                 |
| Average Value:    | 0.00              |



Handwritten signature: H.F.

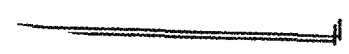
Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Dec 5, 2003 08:25  
End Time: Dec 5, 2003 08:25  
Number of points: 1  
Average value: 208.96



Monitor Single Port

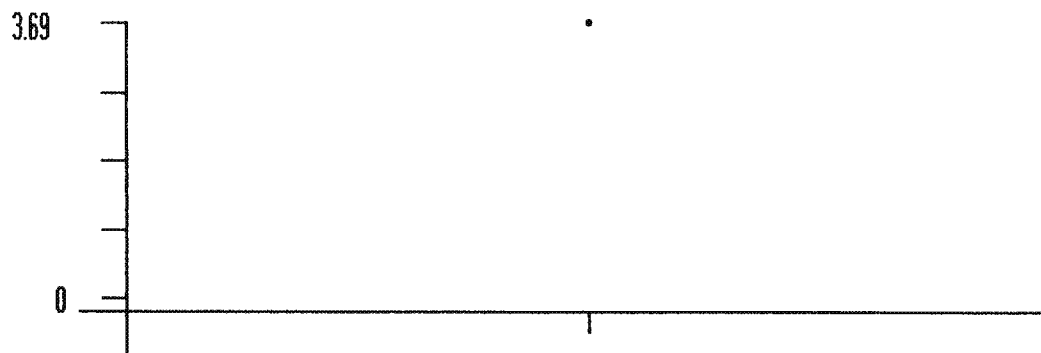
Port Diagnostic  
Component ETO  
Start Time: Dec 5, 2003 08:31  
End Time: Dec 5, 2003 08:31



UB II outlet A.F

Monitor Single Port

|                   |                   |
|-------------------|-------------------|
| Port              | Diagnostic        |
| Component         | ETO               |
| Start Time:       | Dec 5, 2003 08:21 |
| End Time:         | Dec 5, 2003 08:21 |
| Number of points: | 1                 |
| Average Value:    | 3.69              |

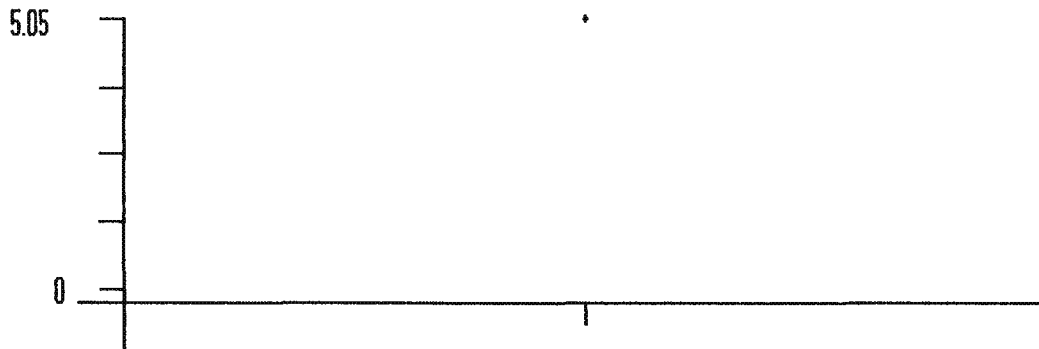


5.10PM

WBI

Monitor Single Port

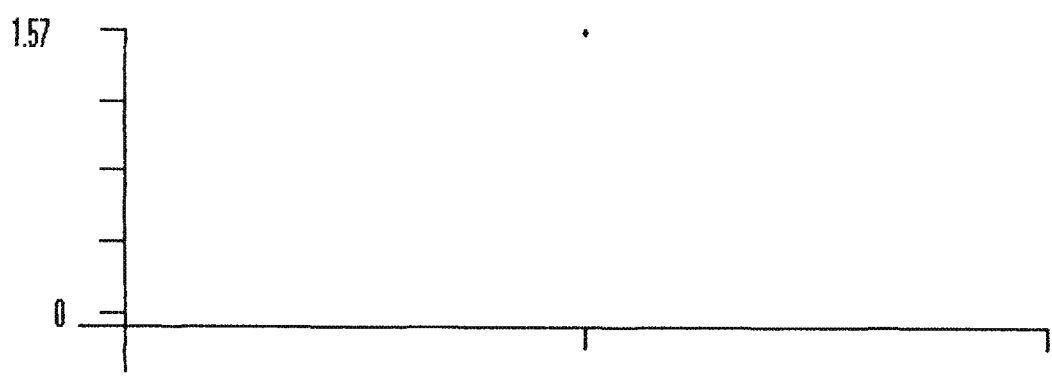
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 10:55 |
| End Time:         | Dec 10, 2003 10:55 |
| Number of points: | 1                  |
| Average Value:    | 5.05               |



118PM

Monitor Single Port

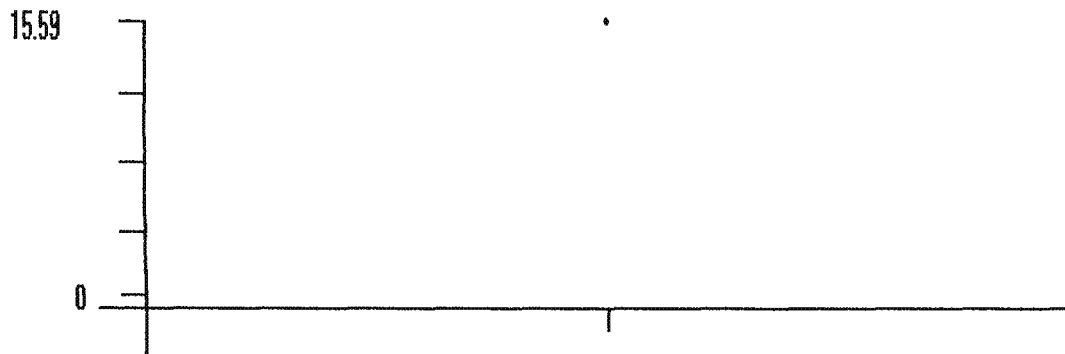
Port Diagnostic  
Component ETO  
Start Time: Dec 10, 2003 11:00  
End Time: Dec 10, 2003 11:00  
Number of points: 1  
Average Value: 1.57



WBF inlet

Monitor Single Port

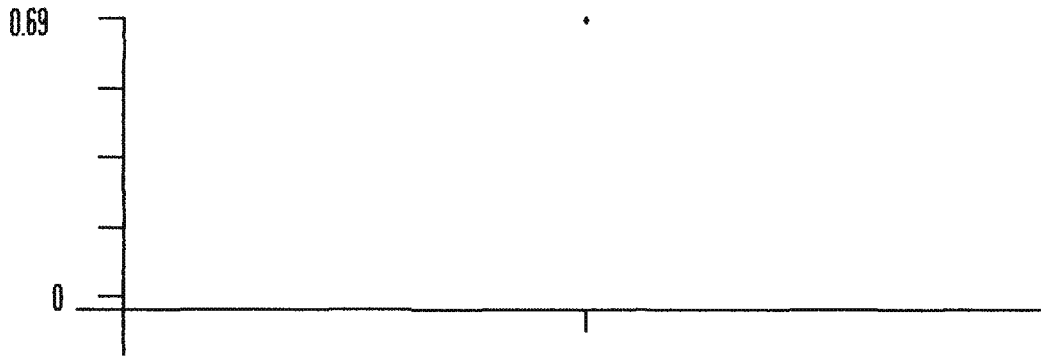
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 11:57 |
| End Time:         | Dec 10, 2003 11:57 |
| Number of points: | 1                  |
| Average Value:    | 15.59              |



*WBI outlet*

Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Dec 10, 2003 11:52  
End Time: Dec 10, 2003 11:52  
Number of points: 1  
Average Value: 0.69

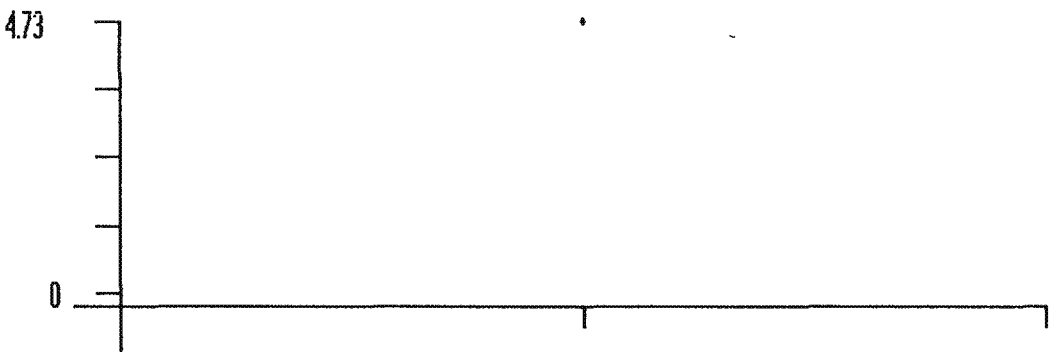




WBI inlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 12:07 |
| End Time:         | Dec 10, 2003 12:07 |
| Number of points: | 1                  |
| Average Value:    | 4.73               |

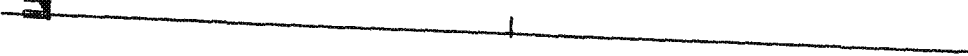


WBTI outlet

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 12:02 |
| End Time:         | Dec 10, 2003 12:02 |
| Number of points: | 1                  |
| Average Value:    | 0.11               |

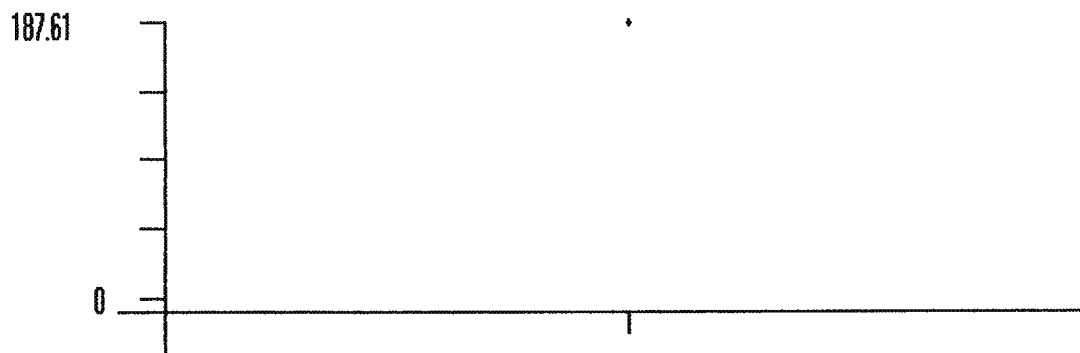
###



WBI Inlet A.F.

Monitor Single Port

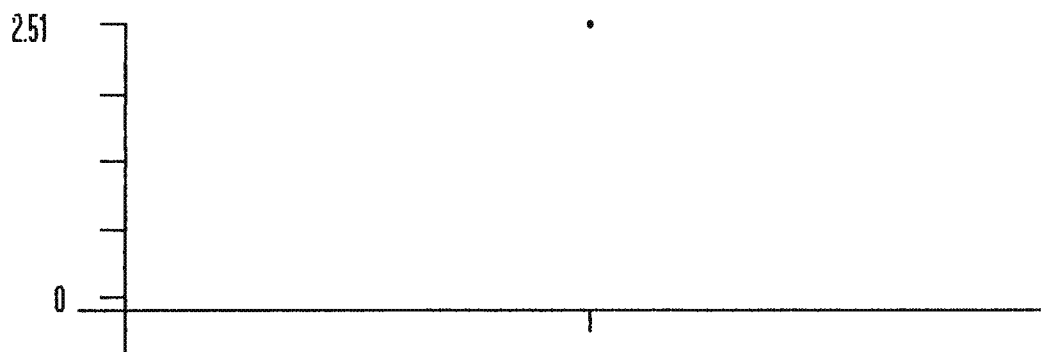
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 12:23 |
| End Time:         | Dec 10, 2003 12:23 |
| Number of points: | 1                  |
| Average Value:    | 187.61             |



WBT outlet A.F

Monitor Single Port

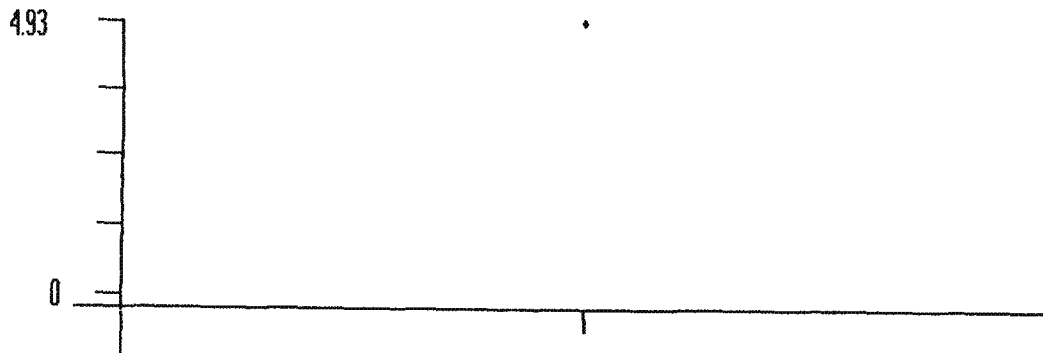
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 10, 2003 12:11 |
| End Time:         | Dec 10, 2003 12:11 |
| Number of points: | 1                  |
| Average Value:    | 2.51               |



5.1 PPM

Monitor Single Port

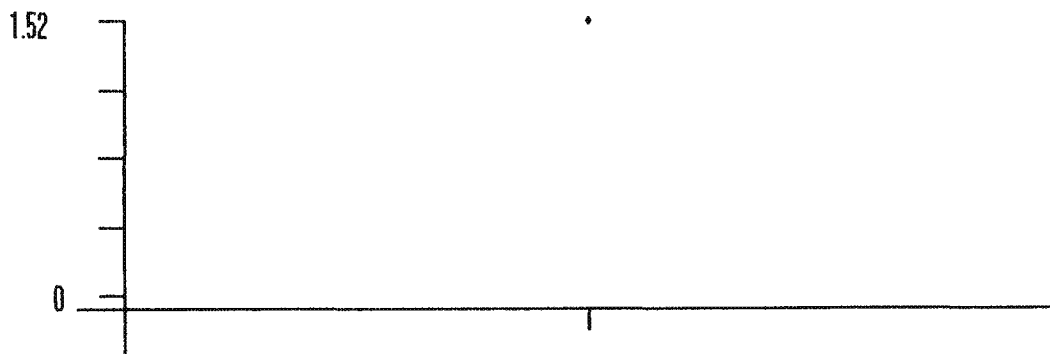
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:14 |
| End Time:         | Dec 18, 2003 10:14 |
| Number of points: | 1                  |
| Average Value:    | 493                |



1.1 PPM

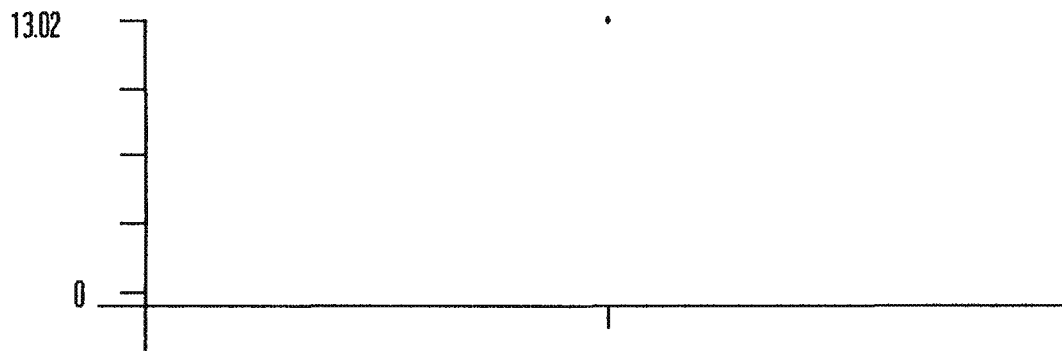
Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:19 |
| End Time:         | Dec 18, 2003 10:19 |
| Number of points: | 1                  |
| Average Value:    | 1.52               |



WBI inlet Monitor Single Port

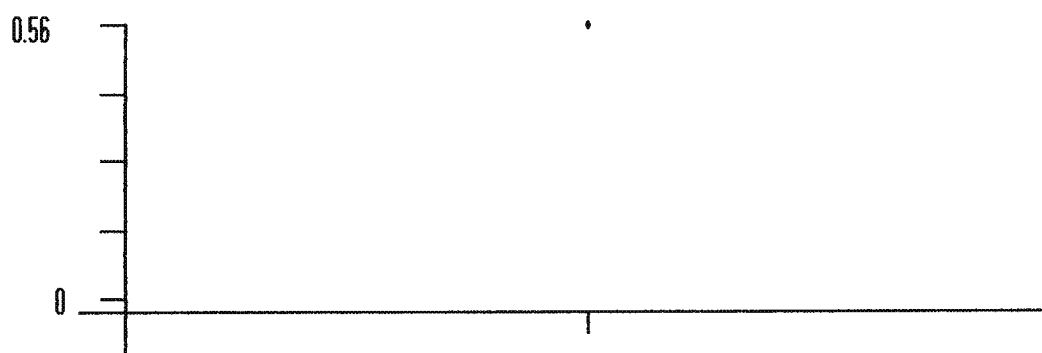
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:30 |
| End Time:         | Dec 18, 2003 10:30 |
| Number of points: | 1                  |
| Average Value:    | 13.02              |



WBI outlet

Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Dec 18, 2003 10:24  
End Time: Dec 18, 2003 10:24  
Number of points: 1  
Average Value: 0.56

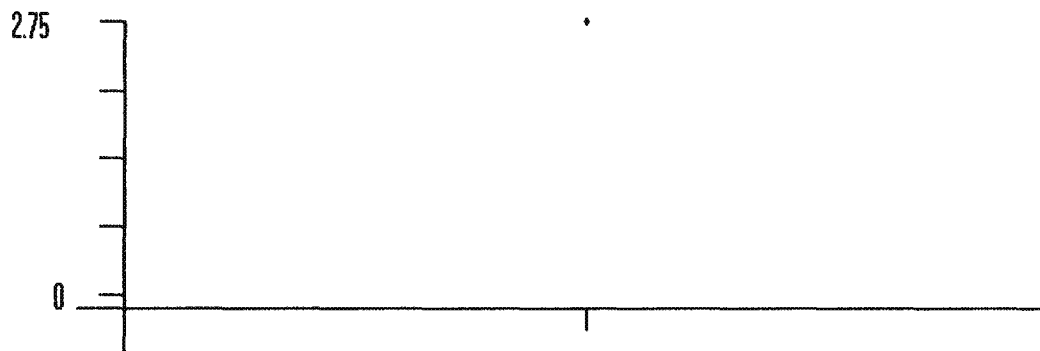




WB II inlet

Monitor Single Port

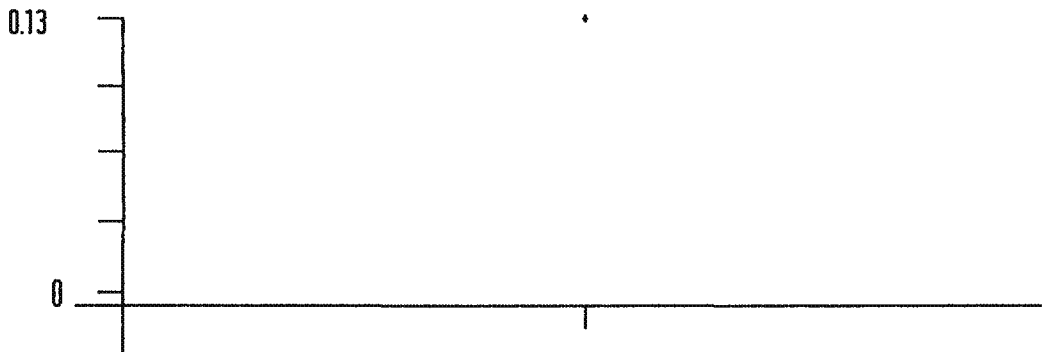
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:40 |
| End Time:         | Dec 18, 2003 10:40 |
| Number of points: | 1                  |
| Average Value:    | 2.75               |



WBT outlet

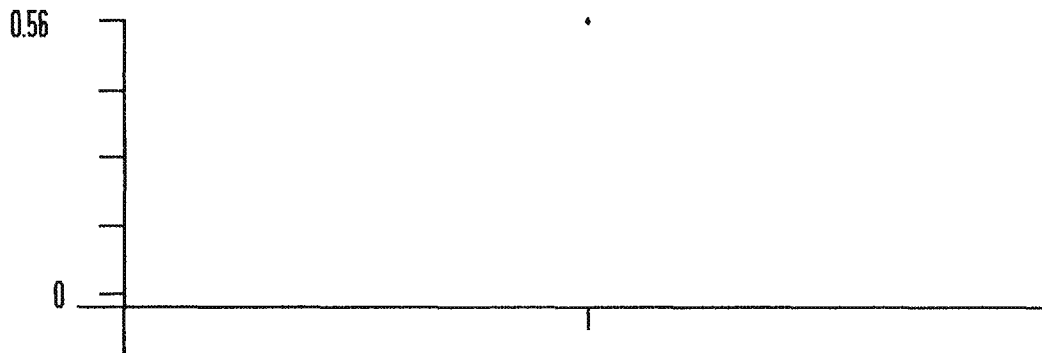
Monitor Single Port

Port Diagnostic  
Component ETO  
Start Time: Dec 18, 2003 10:35  
End Time: Dec 18, 2003 10:35  
Number of points: 1  
Average Value: 0.13



WP II Outlet A.F. Monitor Single Port

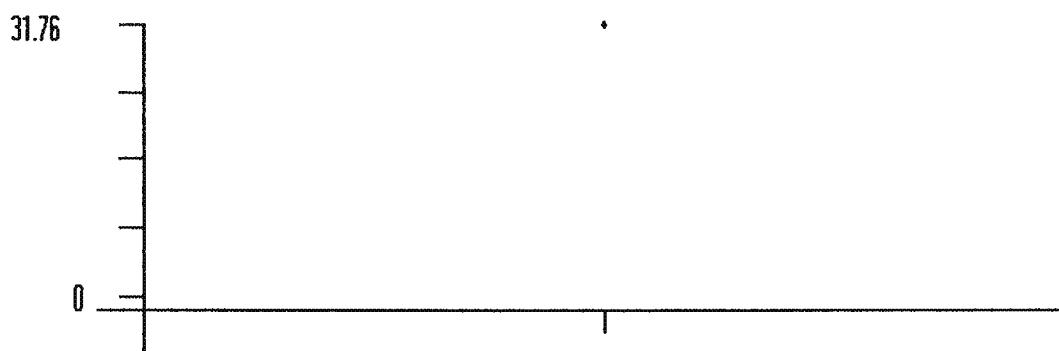
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:44 |
| End Time:         | Dec 18, 2003 10:44 |
| Number of points: | 1                  |
| Average Value:    | 0.56               |



WB II inlet A.I.

Monitor Single Port

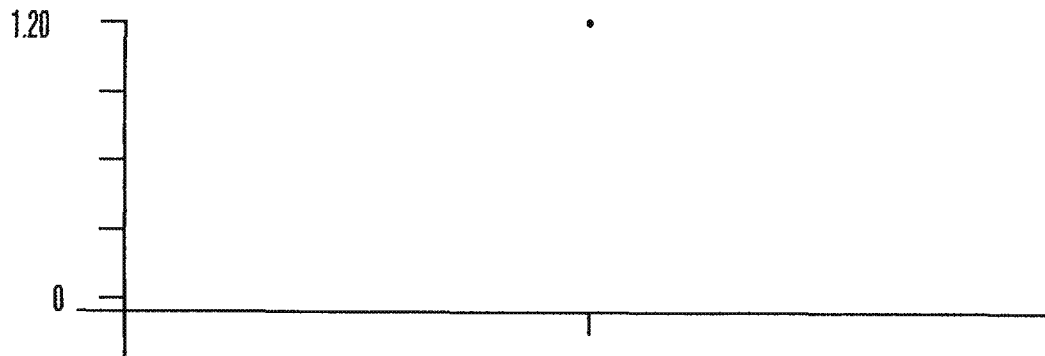
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 18, 2003 10:56 |
| End Time:         | Dec 18, 2003 10:56 |
| Number of points: | 1                  |
| Average Value:    | 31.76              |



W O I O U T L E T

Monitor Single Port

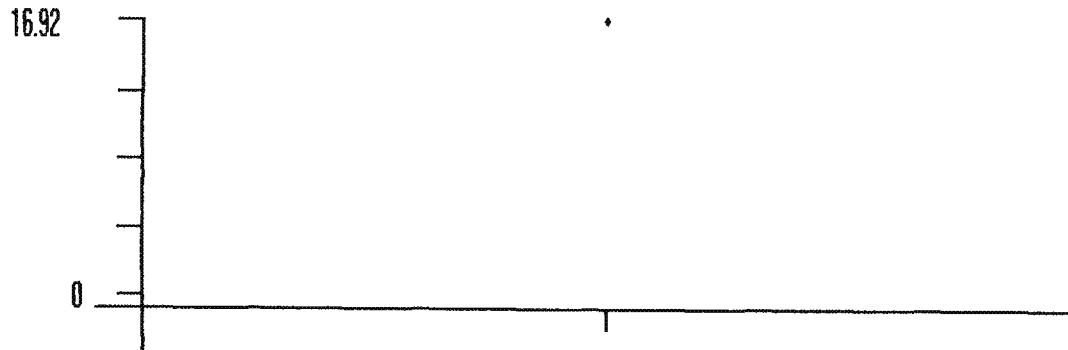
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:12 |
| End Time:         | Dec 23, 2003 09:12 |
| Number of points: | 1                  |
| Average Value:    | 1.20               |



NB I INLET

Monitor Single Port

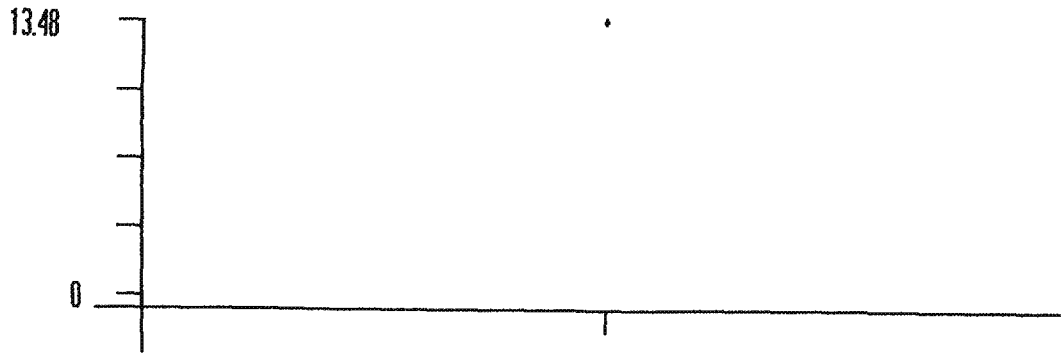
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:26 |
| End Time:         | Dec 23, 2003 09:26 |
| Number of points: | 1                  |
| Average Value:    | 16.92              |



WB II INLET

Monitor Single Port

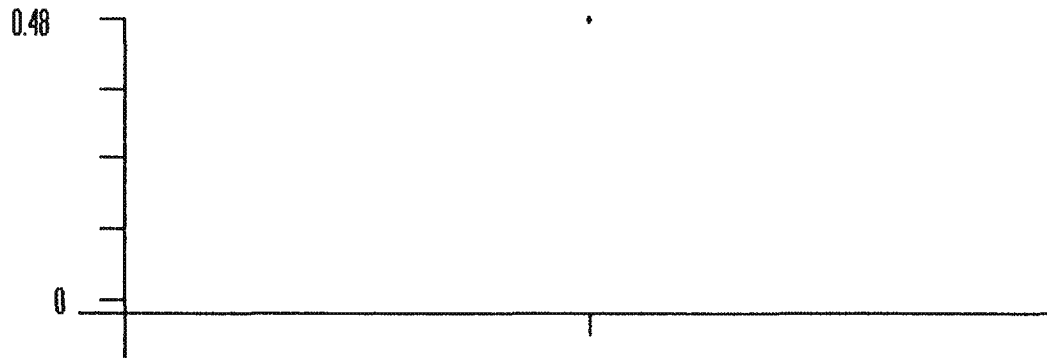
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:32 |
| End Time:         | Dec 23, 2003 09:32 |
| Number of points: | 1                  |
| Average Value:    | 13.48              |



WB II OUTLET

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:19 |
| End Time:         | Dec 23, 2003 09:19 |
| Number of points: | 1                  |
| Average Value:    | 0.48               |



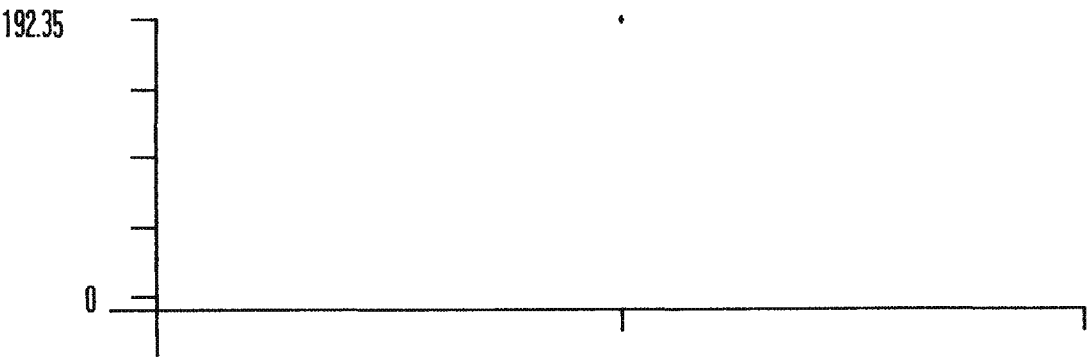


WB II INLET

Monitor Single Port

AFT. VAC

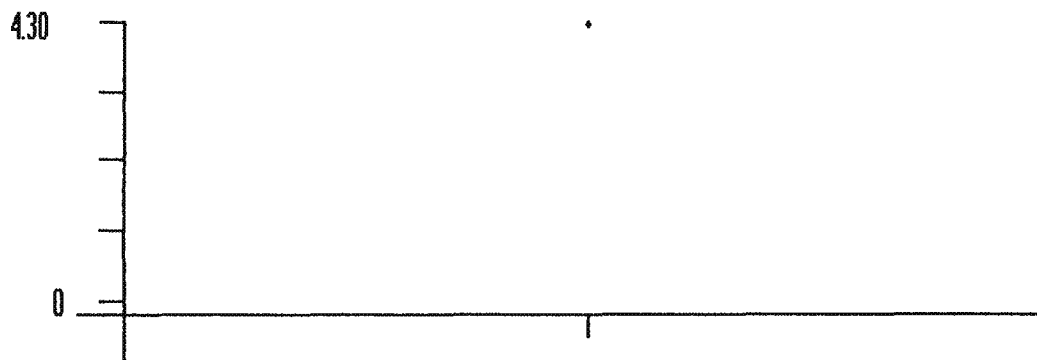
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:44 |
| End Time:         | Dec 23, 2003 09:44 |
| Number of points: | 1                  |
| Average Value:    | 192.35             |



WA II OUTLET  
AFT. VAL.

Monitor Single Port

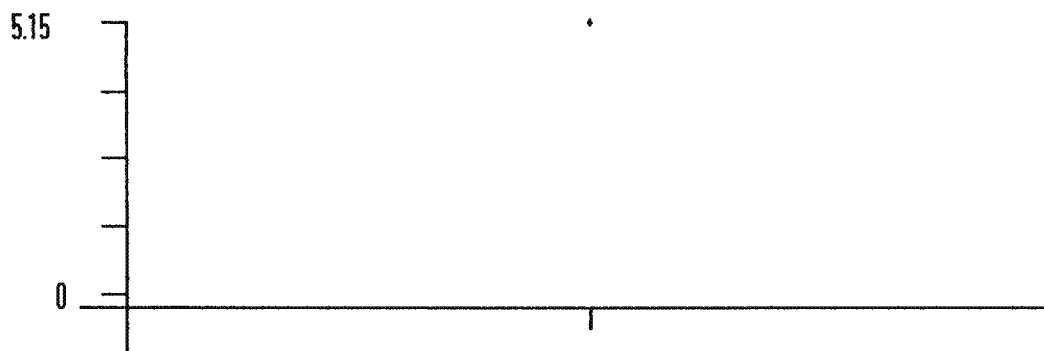
|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:38 |
| End Time:         | Dec 23, 2003 09:38 |
| Number of points: | 1                  |
| Average Value:    | 4.30               |



5.1 PPM  
CEL. GAS

Monitor Single Port

|                   |                    |
|-------------------|--------------------|
| Port              | Diagnostic         |
| Component         | ETO                |
| Start Time:       | Dec 23, 2003 09:00 |
| End Time:         | Dec 23, 2003 09:00 |
| Number of points: | 1                  |
| Average Value:    | 5.15               |



Monitor Single Port

WBF inlet

Port: Diagnostic

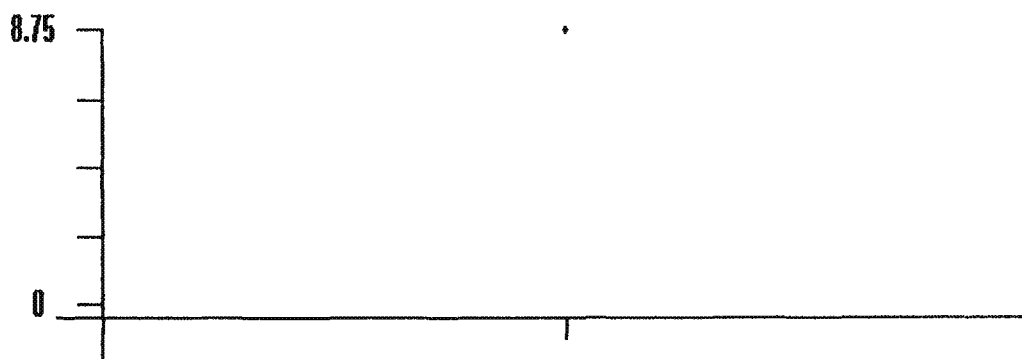
Component: ETO

Start Time: Dec 31, 2003 09:15

End Time: Dec 31, 2003 09:15

Number of points: 1

Average Value: 8.75



Dec 31, 2003 09:15 8.75

WBI outlet

Monitor Single Port

Port: Diagnostic

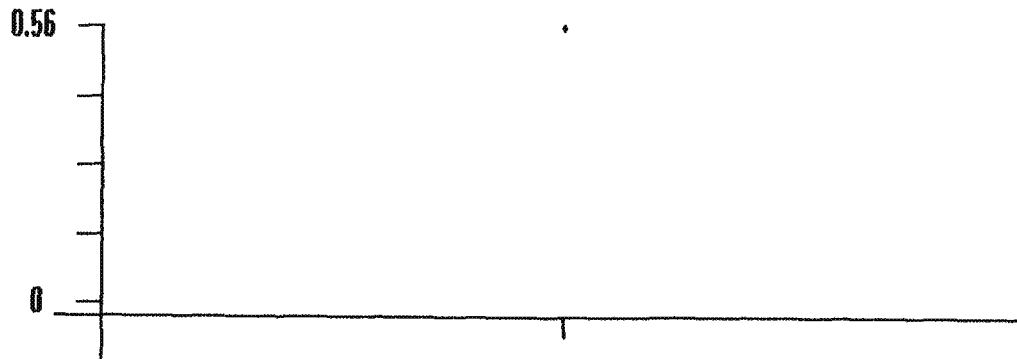
Component: ETO

Start Time: Dec 31, 2003 09:10

End Time: Dec 31, 2003 09:10

Number of points: 1

Average Value: 0.56



Dec/31/2003 09:10 .56

WB# inlet

# Monitor Single Port

Port Diagnostic

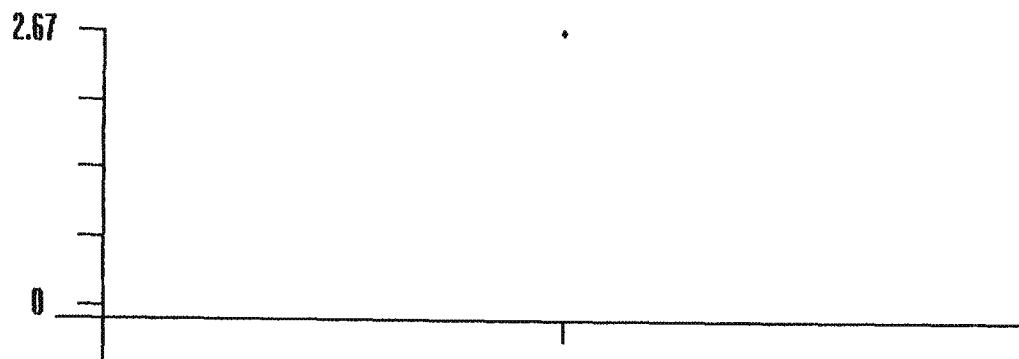
Component: ETO

Start Time: Dec 31, 2003 09:27

End Time: Dec 31, 2003 09:27

Number of points: 1

Average Value: 2.67



Dec31/2003 09:27 2.67

WBII outlet

Monitor Single Port

Port: Diagnostic

Component: ETO

Start Time: Dec 31, 2003 09:20

End Time: Dec 31, 2003 09:22

Number of points: 2

Average Value: 0.00



Dec/31/2003 09:20 .00

Dec/31/2003 09:22 .00

WBH inlet A.F.

Monitor Single Port

Port: Diagnostic

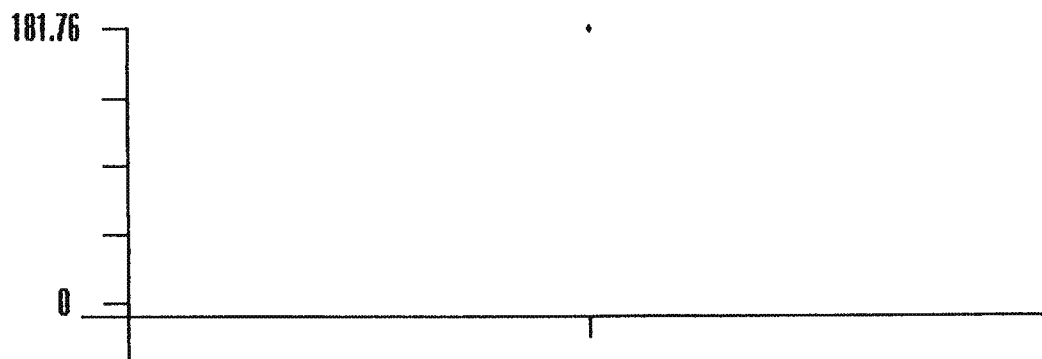
Component: ETO

Start Time: Dec 31, 2003 09:36

End Time: Dec 31, 2003 09:36

Number of points: 1

Average Value: 181.76



Dec 31, 2003 09:36 181.76



UB II outlet A, F

Monitor Single Port

Port Diagnostic

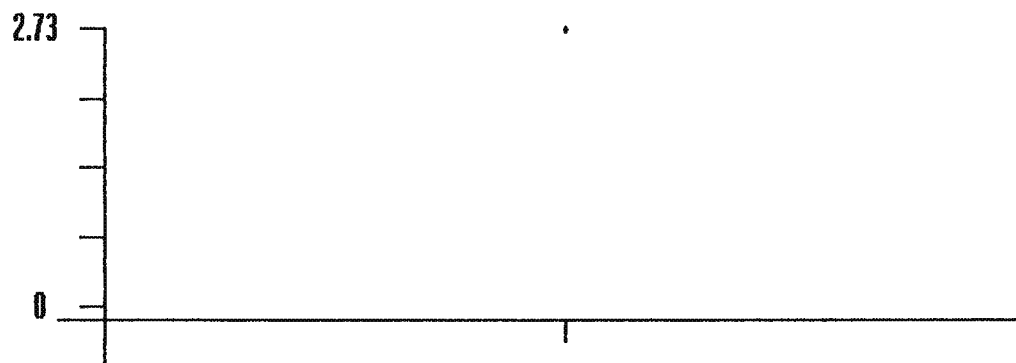
Component: ETO

Start Time: Dec 31, 2003 09:32

End Time: Dec 31, 2003 09:32

Number of points: 1

Average Value: 2.73



Dec 31/2003 09:32 2.73

3.1 BPM

Monitor Single Port

Port: Diagnostic

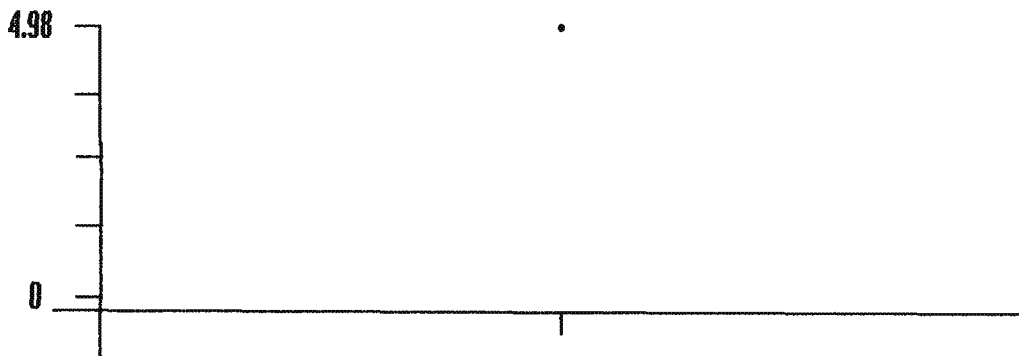
Component: ETO

Start Time: Dec 31, 2003 08:54

End Time: Dec 31, 2003 08:54

Number of points: 1

Average Value: 4.98



Dec 31, 2003 08:54 4.98

**ATTACHMENT B**

**WILLOWBROOK I & II  
Fourth QUARTER  
(October to December 2003)**

**AERATION ROOM & CHAMBER DISCHARGE TESTING  
BASELINE RESULTS**

of1 00:01:28  
0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030355, 11:01:28 AM, Port\_09 9, 9, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 31, 280219, 20.6 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 4.17 ppm, 01:05:58

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 7.09 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030356, 11:03:40 AM, Port\_09 9, 10, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 32, 135587, 9.97 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 4.53 ppm, 01:08:10

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 8.45 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030357, 11:05:49 AM, Port\_09 9, 11, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 33, 168410, 12.4 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 4.73 ppm, 01:10:19

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 9.88 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

```

0      1      2      3      4      5      6      7      8      9      0
|-----|
|         | st1 00:00:00 in1 00:00:01
|         | bfl 00:00:35
|         | onl 00:00:50
|         | rt1 00:00:57
|         | ofl 00:01:28

```

```

0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
 1003030352, 10:55:23 AM, Port\_07 7, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 1, 13267, 0.975 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, <MDQ, 00:00:00

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 0.975 ppm, 1

```

0      1      2      3      4      5      6      7      8      9      0
|-----|
|         | st1 00:00:00 in1 00:00:01
|         | bfl 00:00:35
|         | onl 00:00:50 rt1 00:00:54
|         | ofl 00:01:28

```

```

0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
 1003030353, 10:57:19 AM, Port\_04 4, 1, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 1, 245422, 18.0 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, <MDQ, 00:00:00

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 18.0 ppm, 1

```

0      1      2      3      4      5      6      7      8      9      0
|-----|
|         | st1 00:00:00 in1 00:00:01
|         | bfl 00:00:35
|         | rt1 00:00:50 onl 00:00:50
|         | ofl 00:01:28

```

```

0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
 1003030354, 10:59:34 AM, Port\_05 5, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 1, 387, <MDQ

Substance, Time Weighted Average, Time Interval  
 1 ETO, <MDQ, 00:00:00

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, <MDQ, 1

```

0      1      2      3      4      5      6      7      8      9      0
|-----|
|         | st1 00:00:00 in1 00:00:01
|         | bfl 00:00:35

```

Substance, Samples, Present counts, Concentration  
1 ETU, 27, 169936, 12.5 ppm

WB Inlet

Substance, Time Weighted Average, Time Interval  
1 ETU, 3.38 ppm, 00:51:53

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 4.69 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030349, 10:49:40 AM, Port\_09 9, 8, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 28, 11275, 0.829 ppm

Substance, Time weighted Average, Time Interval  
1 ETU, 5.52 ppm, 00:54:10

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 5.62 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030350, 10:51:35 AM, Port\_09 9, 8, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 29, 12413, 0.913 ppm

Substance, Time weighted Average, Time Interval  
1 ETU, 3.43 ppm, 00:56:05

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 5.71 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030351, 10:53:30 AM, Port\_09 9, 8, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 30, 307, MDO

WB Inlet

Substance, Time Weighted Average, Time Interval

A.F

rt1 00:01:20  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030345, 10:41:08 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 24, 179, CMD0

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.44 ppm, 00:45:38

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 3.24 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50  
of1 00:01:28 rt1 00:00:55

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030346, 10:43:02 AM, Port\_09 9, 6, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 25, 161097, 11.8 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.58 ppm, 00:47:32

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.83 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50  
of1 00:01:28 rt1 00:00:56

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030347, 10:45:12 AM, Port\_09 9, 7, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 26, 164107, 12.1 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.99 ppm, 00:49:42

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 3.42 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 rt1 00:00:55  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030348, 10:47:12 AM, Port\_09 9, 8, 0

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.88 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030342, 10:35:28 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 21, 3252, 0.239 ppm

WB II outlet

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.77 ppm, 00:39:58

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.88 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030343, 10:37:22 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 22, 183, NMD0

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.65 ppm, 00:41:52

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.88 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:55  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030344, 10:39:14 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 23, 2636, 0.194 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.54 ppm, 00:43:44

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.43 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35



Substance, Samples, Present counts, Concentration  
1 ETO, 17, 125335, 9.22 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.09 ppm, 00:31:36

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 2.01 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030339, 10:29:10 AM, Port\_09 9, 4, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 18, 105455, 7.75 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.48 ppm, 00:33:40

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 3.20 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030340, 10:31:22 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 19, 114644, 8.43 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.81 ppm, 00:35:52

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 4.35 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030341, 10:33:05 AM, Port\_09 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 20, 428, MDO

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.90 ppm, 00:38:05

WBI Inlet

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030335, 10:21:03 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 14, 197, .MDO

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.58 ppm, 00:25:33

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.308 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50 rt1 00:00:56

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030336, 10:22:56 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 15, 2272, 0.167 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.48 ppm, 00:27:26

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.268 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50 rt1 00:00:57

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030337, 10:24:49 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 16, 95637, 7.03 ppm 0

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.62 ppm, 00:29:19

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.727 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50 rt1 00:00:57

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030338, 10:27:06 AM, Port\_09 9, 3, 0

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.41 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
en1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030332, 10:15:19 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 11, 9456, 0.695 ppm

Substance, Time weighted Average, Time Interval  
1 ETO, 1.98 ppm, 00:19:49

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 1.91 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
en1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030333, 10:17:16 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 12, 766, 0.0563 ppm

Substance, Time weighted Average, Time Interval  
1 ETO, 1.85 ppm, 00:21:46

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 1.30 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
en1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030334, 10:19:09 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 13, 3461, 0.254 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.70 ppm, 00:23:39

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.627 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

*WBI outlet*

Substance, Samples, Present counts, Concentration  
1 ETU, 7, 9852, 0.724 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 2.98 ppm, 00:12:12

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 2.98 ppm, 7

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030329, 10:09:38 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 8, 649, <MDQ

Substance, Time Weighted Average, Time Interval  
1 ETU, 2.62 ppm, 00:14:08

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 2.62 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030330, 10:11:32 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 9, 9804, 0.721 ppm

1.10PPM

Substance, Time Weighted Average, Time Interval  
1 ETU, 2.35 ppm, 00:16:02

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 2.65 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1003030331, 10:13:17 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 10, 831, 0.0611 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 1.14 ppm, 00:17:57

0 1 2 3 4 5 6 7 8 9 0  
 st1 00:00:00 in1 00:00:01  
 bf1 00:00:35 on1 00:00:50 rt1 00:00:57  
 of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
 1010030574, 05:39:17 PM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 13, 79319, 12.8 ppm *11/12 in*

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.271 ppm, 02:27:42

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 1.16 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
 st1 00:00:00 in1 00:00:01  
 bf1 00:00:35 on1 00:00:50 rt1 00:00:57  
 of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
 1010030575, 05:41:23 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 14, 82345, 13.3 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.450 ppm, 02:29:48

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 3.06 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
 st1 00:00:00 in1 00:00:01  
 bf1 00:00:35 on1 00:00:50 rt1 00:00:57  
 of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
 1010030576, 05:43:31 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 15, 15917, 2.57 ppm *11/12 in*

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.555 ppm, 02:31:56

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 4.18 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
 st1 00:00:00 in1 00:00:01  
 bf1 00:00:35 on1 00:00:50 rt1 00:00:58  
 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030567, 05:25:51 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 6, 6658, 1.07 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.182 ppm, 02:14:16

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.635 ppm, 3

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030568, 05:27:47 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 7, 1954, 0.315 ppm - WSI 0.35

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.189 ppm, 02:16:12

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.648 ppm, 4

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:55  
of1 00:01:26

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030569, 05:29:42 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 6, 2913, 0.470 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.192 ppm, 02:18:07

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.605 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:26 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030570, 05:31:36 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration

Run number, Inject time, Port name and number, Lows, Highs  
1010030570, 05:31:36 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 9, 12, <MDQ *w/IF out*

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.193 ppm, 02:20:01

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.552 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50

rt1 00:01:26

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030571, 05:33:30 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 10, 187, <MDQ

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.190 ppm, 02:21:55

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.465 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50

rt1 00:01:26 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

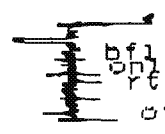
Run number, Inject time, Port name and number, Lows, Highs  
1010030572, 05:35:25 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 11, 328, 0.0530 ppm *BT AV OUT*

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.188 ppm, 02:23:50

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 0.392 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50

rt1 00:01:26

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030573, 05:37:21 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 12, 1789, 0.289 ppm

Run number, Inject time, Port name and number, Lows, Highs  
1010030577, 05:45:28 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 16, 15881, 2.56 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.581 ppm, 02:33:53

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 4.50 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
of1 00:00:50  
rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030578, 05:47:26 PM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 17, 235630, 38.0 ppm-WB II AU IN

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.830 ppm, 02:35:51

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 7.34 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35

0 1 2 3 4 5 6 7 8 9 0

All the alarms were acknowledged at 05:50:58 PM on 10-10-03.



0 1 2 3 4 5 6 7 8 9 0

bf1 00:00:35  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030564, 05:20:05 PM, Port\_02 2, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 12, 1178, 0.190 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.303 ppm, 02:06:41

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.190 ppm, 2

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00  
in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030565, 05:22:00 PM, Port\_10 10, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 2, 7995, 1.29 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 1.32 ppm, 01:10:05

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 1.29 ppm, 1

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1010030566, 05:23:55 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 5, 5589, 0.902 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.170 ppm, 02:12:20

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.515 ppm, 2

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57

```

      st1 00:00:00 in1 00:00:01
      bf1 00:00:35
      on1 00:00:50
      rt1 00:00:58
      of1 00:01:28
0      1      2      3      4      5      6      7      8      9      0

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Run number, Inject time, Port name and number, Lows, Highs  
 1015030408, 12:31:22 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 18, 1975, 0.361 ppm *WBI outlet*

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.381 ppm, 04:57:03

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 0.599 ppm, 9

```

0      1      2      3      4      5      6      7      8      9      0
      st1 00:00:00 in1 00:00:01
      bf1 00:00:35
      on1 00:00:50
      rt1 00:00:58
      of1 00:01:28
0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
 1015030409, 12:33:17 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 19, 3456, 0.632 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.382 ppm, 04:58:58

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 0.704 ppm, 8

```

0      1      2      3      4      5      6      7      8      9      0
      st1 00:00:00 in1 00:00:01
      bf1 00:00:35
      on1 00:00:50
      rt1 00:00:58
      of1 00:01:28
0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
 1015030410, 12:35:12 PM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 20, 45457, 8.31 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.408 ppm, 05:00:53

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 1.28 ppm, 8

```

0      1      2      3      4      5      6      7      8      9      0
      st1 00:00:00 in1 00:00:01
      bf1 00:00:35
      on1 00:00:50
      rt1 00:00:57
      of1 00:01:28
0      1      2      3      4      5      6      7      8      9      0

```

Run number, Inject time, Port name and number, Lows, Highs  
1015030411, 12:37:13 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 21, 47753, 8.73 ppm

*w8I inlet*

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.462 ppm, 05:02:54

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.44 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030412, 12:39:18 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 22, 634, 0.116 ppm

*w8II outlet*

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.489 ppm, 05:04:59

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.95 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:16  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030413, 12:41:13 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 23, 869, 0.159 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.487 ppm, 05:06:54

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.85 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030414, 12:43:05 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 24, 598, 0.109 ppm

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.75 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
1015030415, 12:45:03 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 25, 8100, 1.48 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.487 ppm, 05:10:44

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 2.78 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
1015030416, 12:46:59 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 26, 8310, 1.52 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.493 ppm, 05:12:40

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 2.91 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:55  
of1 00:01:28

Run number, Inject time, Port name and number, Lows, Highs  
1015030417, 12:48:54 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 27, 1332, 0.244 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.495 ppm, 05:14:35

Substance, 15 Minute Short term Exposure, Samples  
1 ETO, 2.41 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030418, 12:50:50 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 28, 1445, 0.264 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.494 ppm, 05:16:31

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.20 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030419, 12:52:45 PM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 29, 264712, 48.4 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.638 ppm, 05:18:26

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.00 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1015030420, 12:54:56 PM, Port\_09 9, 4, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 30, 258291, 47.2 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.959 ppm, 05:20:37

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 11.5 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs

0 1 2 3 4 5 6 7 8 9 0  
 bfl 00:00:35  
 onl 00:00:50  
 rti 00:00:58  
 ofl 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1015030405, 12:25:36 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 15, 4960, 0.907 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.374 ppm, 04:51:17

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 0.422 ppm, 7

~~0.907~~  
 1.18PPM

0 1 2 3 4 5 6 7 8 9 0  
 stl 00:00:00 inl 00:00:01  
 bfl 00:00:35  
 onl 00:00:50 rti 00:00:59  
 ofl 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1015030406, 12:27:32 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 16, 4536, 0.830 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.377 ppm, 04:53:13

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 0.489 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
 stl 00:00:00 inl 00:00:01  
 bfl 00:00:35  
 onl 00:00:50 rti 00:00:59  
 ofl 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1015030407, 12:29:27 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 17, 4730, 0.865 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.380 ppm, 04:55:08

Substance, 15 Minute Short term Exposure, Samples  
 1 ETO, 0.535 ppm, 9

Substance, Samples, Present counts, Concentration  
1 ETO, 13, 9720, 1.63 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.605 ppm, 00:22:21

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.651 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:30  
on1 00:00:30  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030503, 03:27:28 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 14, 1911, 0.320 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.634 ppm, 00:24:17

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.695 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:30  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030504, 03:29:21 PM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 15, 63807, 10.7 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.985 ppm, 00:26:10

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.39 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:30  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030505, 03:31:24 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 16, 68165, 11.4 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.72 ppm, 00:28:13

*WBI inlet*

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030506, 03:33:26 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 17, 3049, 0.511 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 1.00 ppm, 00:30:15

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.72 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030507, 03:35:20 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 18, 1172, 0.196 ppm

Substance, Time weighted Average, Time Interval  
1 ETU, 1.91 ppm, 00:32:09

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.69 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:33  
on1 00:00:50  
rt1 00:01:16  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030508, 03:37:13 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 19, 1286, 0.216 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 1.81 ppm, 00:34:02

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.68 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:33



rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030499, 03:19:52 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 10, 4562, 0.765 ppm

1.1 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.607 ppm, 00:16:41

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.661 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030500, 03:21:46 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 11, 2261, 0.369 ppm

WB I  
adlet

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.603 ppm, 00:18:35

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.674 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030501, 03:23:39 PM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 12, 1326, 0.222 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.575 ppm, 00:20:28

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.625 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030509, 03:39:06 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 20, 8626, 1.45 ppm

*uB I inlet*

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.76 ppm, 00:35:55

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 3.66 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030510, 03:41:00 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 21, 8709, 1.46 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.74 ppm, 00:37:49

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 3.74 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030511, 03:42:55 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 22, 2165, 0.363 ppm

*uB II outb  
A.F*

Substance, Time Weighted Average, Time Interval  
1 ETO, 1.70 ppm, 00:39:44

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 3.09 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:53  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030512, 03:44:49 PM, Port\_09 9, 3, 0

Substance, Time Weighted Average, Time Interval  
1 ETO, 2.59 ppm, 00:41:38

4407 ppm

W8 II  
inlet  
AF

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 4.41 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Calibration run 1022030513 at 03:47:01 PM:  
This run was a calibration because:  
A scheduled calibration time occurred.

Substance, Present Counts, Average Counts, Concentration  
1 ETO, 11016, 11016, 1.65 ppm

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:53  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1022030514, 03:48:55 PM, Port\_09 9, 4, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 24, 259/67, 38.9 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 5.96 ppm, 00:45:44

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 15.6 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.234 ppm, 04:35:45

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.609 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35 on1 00:00:50 rt1 00:00:56~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030380, 11:42:08 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 23, 33575, 6.86 ppm

*WBI inlet*

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.257 ppm, 04:37:40

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 1.00 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35 on1 00:00:50 rt1 00:00:56~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030381, 11:44:11 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 24, 34880, 7.12 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.306 ppm, 04:39:43

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 1.93 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35 on1 00:00:50 rt1 00:00:56~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030382, 11:46:12 AM, Port\_09 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 25, 2975, 0.607 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.331 ppm, 04:41:44

Substance, 15 Minute Short term Exposure, Samples

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030376, 11:34:29 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 19, 4551, 0.929 ppm

1.1 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.233 ppm, 04:30:01

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.819 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:55  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030377, 11:36:24 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 20, 905, 0.185 ppm

WBI outlet

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.235 ppm, 04:31:56

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.779 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:54  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030378, 11:38:19 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 21, 631, 0.129 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.234 ppm, 04:33:51

Substance, 15 Minute Short term Exposure, Samples  
1 ETU, 0.693 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030379, 11:40:12 AM, Port\_09 9, 0, 0


Run number, Inject time, Port name and number, Lows, Highs  
1028030386, 11:53:51 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 29, 11600, 2.37 ppm *WB # inlet*

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.337 ppm, 04:49:23

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.42 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0


Run number, Inject time, Port name and number, Lows, Highs  
1028030387, 11:55:49 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 30, 11591, 2.37 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.351 ppm, 04:51:21

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 2.26 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0


Run number, Inject time, Port name and number, Lows, Highs  
1028030388, 11:57:45 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 31, 12302, 2.51 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.364 ppm, 04:53:17

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.57 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030389, 11:59:42 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 32, 2052, 0.419 ppm

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

```

st1 00:00:00 in1 00:00:01
bf1 00:00:35
on1 00:00:50
rt1 00:00:55
of1 00:01:28
  
```

Run number, Inject time, Port name and number, Lows, Highs  
 1028030383, 11:48:07 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 26, 916, 0.187 ppm

*WBF outle*

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.332 ppm, 04:43:39

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 2.30 ppm, 8

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

```

st1 00:00:00 in1 00:00:01
bf1 00:00:35
on1 00:00:50
rt1 00:01:10
of1 00:01:18
  
```

Run number, Inject time, Port name and number, Lows, Highs  
 1028030384, 11:50:03 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 27, 1183, 0.242 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.331 ppm, 04:45:35

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 2.25 ppm, 8

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

```

st1 00:00:00 in1 00:00:01
bf1 00:00:35
on1 00:00:50 rt1 00:00:55
of1 00:01:26
  
```

Run number, Inject time, Port name and number, Lows, Highs  
 1028030385, 11:51:57 AM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 ETO, 28, 1224, 0.250 ppm

Substance, Time Weighted Average, Time Interval  
 1 ETO, 0.331 ppm, 04:47:29

Substance, 15 Minute Short Term Exposure, Samples  
 1 ETO, 2.26 ppm, 8

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

```

st1 00:00:00 in1 00:00:01
bf1 00:00:35
on1 00:00:50 rt1 00:00:57
of1 00:01:28
  
```

1 ETO, 0.372 ppm, 04:55:14

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.21 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:56  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030390, 12:01:38 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 33, 2143, 0.438 ppm

WBI outlet  
A.F.

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.372 ppm, 04:57:10

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.22 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030391, 12:03:33 PM, Port\_09 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 34, 4222, 0.862 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.374 ppm, 04:59:05

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 1.28 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:53  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1028030392, 12:05:28 PM, Port\_09 9, 2, 1

Substance, Samples, Present counts, Concentration  
1 ETO, 35, 276306, 56.4 ppm

WBI inlet  
A.F.

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.534 ppm, 05:01:00

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 5.30 ppm, 8

0 1 2 3 4 5 6 7 8 9 0



Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.649 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01

bf1 00:00:35  
onl 00:00:50  
rtl 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030329, 10:06:59 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 16, 5650, 0.848 ppm

1.1 ppm

Substance, Time weighted Average, Time Interval  
1 ETO, 0.253 ppm, 02:54:48

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.772 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01

bf1 00:00:35  
onl 00:00:50 rtl 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030330, 10:08:54 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 17, 1651, 0.395 ppm

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.25 ppm, 02:56:43

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.768 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01

bf1 00:00:35  
onl 00:00:50 rtl 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030331, 10:10:49 AM, Port\_09 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 ETO, 18, 1847, 0.275 ppm

WPF outle

Substance, Time Weighted Average, Time Interval  
1 ETO, 0.258 ppm, 02:58:38

Substance, 15 Minute Short Term Exposure, Samples  
1 ETO, 0.720 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01

bf1 00:00:35

|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| <pre> st1 00:00:00 in1 00:00:01 bf1 00:00:35 en1 00:00:50 rt1 00:00:58 of1 00:01:28 </pre> |   |   |   |   |   |   |   |   |   |   |
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

Run number, Inject time, Port name and number, Lows, Highs  
1106030339, 10:16:37 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 26, 977, 0.146 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.510 ppm, 03:14:26

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.78 ppm, 8

|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| <pre> st1 00:00:00 in1 00:00:01 bf1 00:00:35 en1 00:00:50 rt1 00:00:58 of1 00:01:28 </pre> |   |   |   |   |   |   |   |   |   |   |
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

Run number, Inject time, Port name and number, Lows, Highs  
1106030340, 10:28:33 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 27, 17880, 2.66 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.519 ppm, 03:16:22

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.75 ppm, 8

|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| <pre> st1 00:00:00 in1 00:00:01 bf1 00:00:35 en1 00:00:50 rt1 00:00:57 of1 00:01:28 </pre> |   |   |   |   |   |   |   |   |   |   |
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

Run number, Inject time, Port name and number, Lows, Highs  
1106030341, 10:30:30 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 28, 17931, 2.67 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.540 ppm, 03:18:19

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 3.42 ppm, 8

*WB II*  
*inlet*

|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| <pre> st1 00:00:00 in1 00:00:01 bf1 00:00:35 en1 00:00:50 rt1 00:00:58 of1 00:01:28 </pre> |   |   |   |   |   |   |   |   |   |   |

Run number, Inject time, Port name and number, Lows, Highs  
1106030342, 10:32:17 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 29, 18232, 2.72 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.561 ppm, 03:20:16

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 2.76 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~stl 00:00:00 inl 00:00:01~~

~~bf1 00:00:35~~

~~onl 00:00:50~~

~~vtl 00:00:57~~

~~otl 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030343, 10:34:27 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 30, 18077, 2.69 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.582 ppm, 03:22:16

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 2.06 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~stl 00:00:00~~

~~inl 00:00:01~~

~~bf1 00:00:35~~

~~onl 00:00:50 vtl 00:00:57~~

~~otl 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030344, 10:36:24 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 31, 5186, 0.773 ppm

Substance, Time Weighted Average, Time Interval  
1 ETU, 0.593 ppm, 03:24:13

Substance, 15 Minute Short Term Exposure, Samples  
1 ETU, 1.70 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~stl 00:00:00 inl 00:00:01~~

~~bf1 00:00:35~~

~~onl 00:00:50 vtl 00:00:57~~

~~otl 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1106030345, 10:38:20 AM, Port\_09 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 ETU, 32, 5186, 0.773 ppm

WB II outlet  
H.F.

~~bf1 00:00:35~~  
~~on1 00:00:50~~  
~~rt1 00:01:00~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030034, 01:42:03 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 7, 5457, 0.826 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.484 ppm, 00:29:31

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.761 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~  
~~on1 00:00:50~~  
~~rt1 00:01:00~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030035, 01:43:58 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 8, 7024, 1.06 ppm — 1.1

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.512 ppm, 00:31:26

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.799 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~  
~~on1 00:00:50 rt1 00:01:00~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030042, 01:56:52 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 15, 2124, 0.322 ppm WB / out

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.589 ppm, 00:44:20

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.797 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~

Run number, Inject time, Port name and number, Lows, Highs  
 1113030047, 02:06:04 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 20, 79266, 12.0 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 1.13 ppm, 00:53:32

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 2.59 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~ ~~on1 00:00:50~~  
~~of1 00:01:28~~ ~~rt1 00:01:00~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030048, 02:07:58 PM, none 9, 3, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 21, 80034, 12.1 ppm — *wb1 IN*

Substance, Time Weighted Average, Time Interval  
 1 eto, 1.50 ppm, 00:55:26

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 4.03 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0

~~bf1 00:00:35~~  
~~on1 00:00:50~~  
~~rt1 00:01:01~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030054, 02:19:18 PM, none 9, 5, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 27, 1535, 0.232 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 2.21 ppm, 01:06:46 *wb1 out*

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 6.59 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~

0 1 2 3 4 5 6 7 8 9 0

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 6.59 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0

~~on1 00:00:50 rt1 00:01:01~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1113030060, 02:30:22 PM, none 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 eto, 33, 22404, 3.39 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 2.19 ppm, 01:17:50

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 1.63 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~  
~~bf1 00:00:35~~  
~~on1 00:00:50~~  
~~rt1 00:01:00~~  
~~of1 00:01:28~~

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1113030061, 02:32:21 PM, none 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 eto, 34, 22651, 3.43 ppm ~~UB II INLEN~~

Substance, Time Weighted Average, Time Interval  
1 eto, 2.22 ppm, 01:19:49

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.02 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

~~st1 00:00:00 in1 00:00:01~~

~~bf1 00:00:35~~

0 1 2 3 4 5 6 7 8 9 0

This version 6.40-L Monitoring Mode Status Report

was printed on 11-13-03 at 02:38:39 PM.

Serial number 0255

sterigenis  
7775quincy  
willowbrook

Substance, Time Weighted Average, Time Interval  
1 eto, 2.19 ppm, 01:29:38

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.34 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0

bf1 00:00:35  
on1 00:00:50  
of1 00:01:28 rt1 00:00:57

0 1 2 3 4 5 6 7 8 9 0

Pun number, Inject time, Port name and number, Lows, Highs  
1113030072, 02:53:12 PM, none 9, 9, 0

Substance, Samples, Present counts, Concentration  
1 eto, 44, 267063, 40.4 ppm

NB# IN

Substance, Time Weighted Average, Time Interval  
1 eto, 4.43 ppm, 01:40:40

AFTER VAC

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 22.7 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

0 1 2 3 4 5 6 7 8 9 0

The current port sequence and location within the sequence is:

01, 02, 03, 07, 04, 05, 02, 03, 07, 08,  
06, 02, 07, 03, 08, 09, 02, 10, 03, 11,  
07, 08, 09, 02, 11, 03, 07, 08, 12, 13,  
02, 03, 07, 14, 15, 08, 15, 16,

The manual interrupt port list is:

None programmed.

Time weighted average reports are scheduled at:

07:00 AM 03:00 PM 11:00 PM

1 report(s) will be printed at each time.

Gas chromatograph plots are scheduled at:

07:05 AM 03:05 PM 11:05 PM

2 run(s) will be plotted at each time.

Automatic calibrations are scheduled at:

07:05 AM 03:05 PM 11:05 PM

1 calibration(s) will be performed at each time.

The audible alarm (beep) is off.

The gas chromatograph plotter is off

|  |   |   |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|---|---|
| 0  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| <u>E</u> on1 00:00:50 rt1 00:01:02<br>of1 00:01:28 |   |   |   |   |   |   |   |   |   |   |

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

Run number, Inject time, Port name and number, Lows, Highs  
1113030065, 02:40:13 PM, eastwor 8, 0, 0

Substance, Samples, Present counts, Concentration  
1 etc, 4, 4704, 0.712 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.524 ppm, 01:38:42

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 0.712 ppm, 1

|                           |   |   |   |   |   |   |   |   |   |   |
|---------------------------|---|---|---|---|---|---|---|---|---|---|
| 0                         | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
| st1 00:00:00 in1 00:00:01 |   |   |   |   |   |   |   |   |   |   |

E bfl 00:00:35  
on1 00:00:50  
of1 00:01:28

|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|---|---|---|---|---|---|---|---|---|---|---|

Run number, Inject time, Port name and number, Lows, Highs  
1113030060, 02:42:10 PM, none 9, 5, 0

Substance, Samples, Present counts, Concentration  
1 etc, 38, 3949, 0.598 ppm

WBS OUT VAC.



bf1 00:00:35  
 on1 00:00:50  
 rt1 00:01:00  
 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030034, 01:42:03 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 7, 5457, 0.826 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.484 ppm, 00:29:31

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.761 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
 bf1 00:00:35  
 on1 00:00:50  
 rt1 00:01:00  
 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030035, 01:43:58 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 8, 7024, 1.06 ppm — 1.1

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.512 ppm, 00:31:26

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.799 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
 bf1 00:00:35  
 on1 00:00:50 rt1 00:01:00  
 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
 1113030042, 01:56:52 PM, none 9, 0, 0

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030419, 12:54:39 PM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 eto, 32, 43727, 8.84 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.215 ppm, 05:15:07

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 1.03 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030420, 12:56:45 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 33, 45216, 9.14 ppm w PI inlet

Substance, Time Weighted Average, Time Interval  
1 eto, 0.273 ppm, 05:17:13

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.32 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030421, 12:58:48 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 34, 4107, 0.831 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.303 ppm, 05:19:16

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.96 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030422, 01:00:44 PM, none 9, 2, 0

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.590 ppm, 6

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030416, 12:18:54 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 29, 3104, 0.628 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.188 ppm, 05:09:22

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.581 ppm, 7

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
rt1 00:00:50 on1 00:00:50  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030417, 12:50:49 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 30, 109, MDQ

*WBI outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.189 ppm, 05:11:17

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.542 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:19  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030418, 12:52:44 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 31, 642, 0.130 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.188 ppm, 05:13:12

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.469 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35

Substance, Samples, Present counts, Concentration  
1 eto, 35, 4063, 0.822 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.306 ppm, 05:21:12

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.99 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030423, 01:02:38 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 36, 12767, 2.48 ppm

WBIH ink

Substance, Time Weighted Average, Time Interval  
1 eto, 0.314 ppm, 05:23:06

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 3.14 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:01  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030424, 01:04:35 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 37, 12660, 2.56 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.327 ppm, 05:25:03

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 3.45 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:27 of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1120030425, 01:06:32 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 38, 559, 0.113 ppm

WBIH  
outlet

Substance, Time Weighted Average, Time Interval  
1 eto, 0.333 ppm, 05:27:00

0 1 2 3 4 5 6 7 8 9 0

on1 00:00:50  
rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030394, 12:07:20 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 29, 1770, 0.402 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.176 ppm, 04:57:22

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.309 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030395, 12:09:17 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 30, 3829, 0.870 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.179 ppm, 04:59:19

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.374 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:01:01  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030396, 12:11:13 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 31, 3942, 0.896 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.184 ppm, 05:01:15

1.11 PPM

1 eto, 0.497 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:01:00  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030397, 12:13:09 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 32, 3410, 0.775 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.198 ppm, 05:03:11

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.593 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030398, 12:15:03 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 33, 1159, 0.263 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.190 ppm, 05:05:05

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.646 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1124030399, 12:16:58 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 34, 1215, 0.276 ppm

WBF out

Substance, Time Weighted Average, Time Interval  
1 eto, 0.190 ppm, 05:07:00

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.640 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50

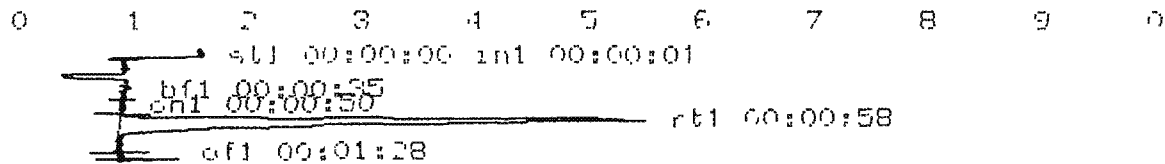
1205030345, 10:36:18 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 15, 1830, 0.360 ppm

*WBI outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.276 ppm, 03:13:49

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.922 ppm, 8



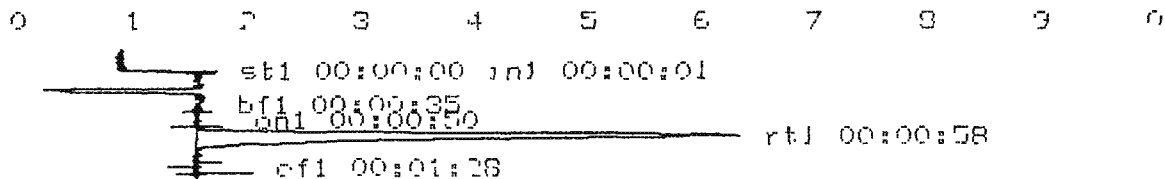
Run number, Inject time, Port name and number, Lows, Highs  
1205030346, 10:38:13 AM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 eto, 16, 74316, 14.6 ppm

*WBI inlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.346 ppm, 03:15:44

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 1.87 ppm, 8

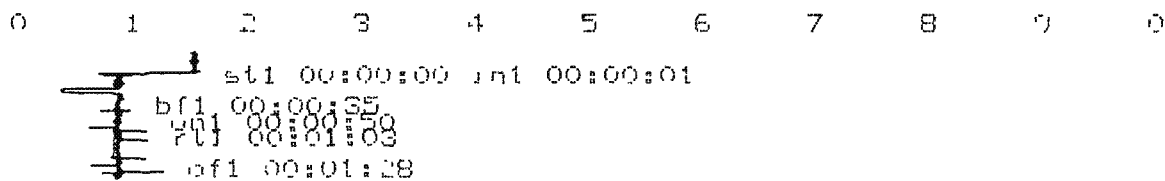


Run number, Inject time, Port name and number, Lows, Highs  
1205030347, 10:40:18 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 17, 77921, 15.3 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.500 ppm, 03:17:49

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 4.01 ppm, 8



Run number, Inject time, Port name and number, Lows, Highs  
1205030348, 10:42:24 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 18, 2176, 0.422 ppm

*WBI outlet*

1 eto, 0.578 ppm, 03:13:00

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 5.03 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:01:28  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030319, 10:44:19 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 19, 1194, 0.235 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.576 ppm, 03:21:50

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 4.94 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030350, 10:46:13 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 20, 8605, 1.03 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.579 ppm, 03:23:44

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 4.93 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030351, 10:48:09 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 21, 9205, 1.81 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.590 ppm, 03:25:40

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 5.03 ppm, 8

0 1 2 3 4 5 6 7 8 9 0



1205030353, 10:58:44 AM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 25, 292585, 57.5 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 1.52 ppm, 03:33:52

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 15.0 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35 on1 00:00:50 st1 00:00:54  
bf1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030356, 10:58:44 AM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 26, 309959, 61.0 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 2.15 ppm, 03:36:15

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 24.3 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00  
in1 00:00:01  
bf1 00:00:35

0 1 2 3 4 5 6 7 8 9 0

*WBI  
inlet A.F.*

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030342, 10:30:32 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 12, 5412, 1.06 ppm

1.1 PPM

Substance, Time Weighted Average, Time Interval  
1 eto, 0.256 ppm, 03:08:03

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.847 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030343, 10:32:27 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 13, 5076, 0.998 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.264 ppm, 03:09:58

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.878 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1205030344, 10:34:22 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 14, 5457, 1.07 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.271 ppm, 03:11:53

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.901 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:58  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

0 1 2 3 4 5 6 7 8 9 0  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030453, 01:54:54 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 16, 4135, 0.880 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.255 ppm, 06:21:46

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.836 ppm, 4

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030454, 01:56:48 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 17, 4443, 0.946 ppm

*1.1 PM*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.259 ppm, 06:23:40

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.856 ppm, 5

0 1 2 3 4 5 6 7 8 9 0  
st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50 rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030455, 01:58:43 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 18, 2789, 0.591 ppm

*WBF outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.261 ppm, 06:25:35

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 29.4 ppm, 9

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Pun number, Inject time, Port name and number, Lows, Highs  
1210030466, 02:21:32 PM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 29, 22787, 4.85 ppm

*UBT inlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 1.44 ppm, 06:48:24

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 30.1 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Pun number, Inject time, Port name and number, Lows, Highs  
1210030467, 02:23:32 PM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 30, 20008, 4.90 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 1.46 ppm, 06:50:24

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 20.6 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00  
in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
rt1 00:00:59  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Pun number, Inject time, Port name and number, Lows, Highs  
1210030468, 02:25:30 PM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 31, 21831, 4.65 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 1.47 ppm, 06:52:22

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 18.5 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

Substance, Samples, Present counts, Concentration  
1 eto, 25, 278206, 59.2 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 1.21 ppm, 06:40:09

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 26.3 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50 rt1 00:00:59

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030462, 02:15:39 PM, none 2, 1, 3

Substance, Samples, Present counts, Concentration  
1 eto, 26, 9354, 1.99 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 1.38 ppm, 06:42:31

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 33.6 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50

rt1 00:00:59

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030464, 02:17:36 PM, none 9, 1, 3

Substance, Samples, Present counts, Concentration  
1 eto, 27, 2034, 0.433 ppm

*WB II outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 1.38 ppm, 06:44:28

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 32.8 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01

bf1 00:00:35

on1 00:00:50

rt1 00:00:59

of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030465, 02:19:30 PM, none 9, 2, 3

Substance, Samples, Present counts, Concentration  
1 eto, 28, 56940, 12.1 ppm

Substance, Time Weighted Average, Time Interval

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.838 ppm, 6

0 1 2 3 4 5 6 7 8 9 0  
stl 00:00:00 inl 00:00:01  
bf1 00:00:35  
onl 00:00:50  
rtl 00:00:59  
offl 00:01:28  
0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030456, 02:00:38 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 10, 2086, 0.444 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.262 ppm, 06:27:30

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.784 ppm, 7

0 1 2 3 4 5 6 7 8 9 0  
stl 00:00:00 inl 00:00:01  
bf1 00:00:35  
onl 00:00:50  
rtl 00:00:59  
offl 00:01:28  
0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030457, 02:02:33 PM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 eto, 20, 68681, 14.6 ppm

*UBI inlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.298 ppm, 06:29:25

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 1.77 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
stl 00:00:00 inl 00:00:01  
bf1 00:00:35  
onl 00:00:50  
rtl 00:00:59  
offl 00:01:28  
0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1210030458, 02:04:37 PM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 eto, 21, 10438, 2.22 ppm

*UBI outlet*  
*AF*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.341 ppm, 06:31:29

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 2.92 ppm, 8

0 1 2 3 4 5 6 7 8 9 0  
stl 00:00:00 inl 00:00:01  
bf1 00:00:35

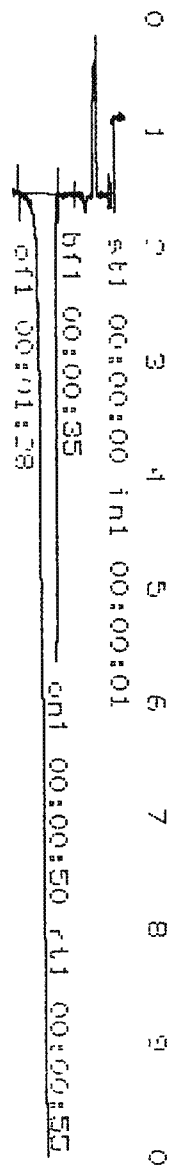
~~off~~ 00:01:28

0 1 2 3 4 5 6 7 8 9 0  
Run number, Inject time, Port name and number, Lows, Highs  
1210030459, 07:06:33 PM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 etc, 22, 7620, 1.62 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.349 ppm, 06:03:25

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 3.07 ppm, 8

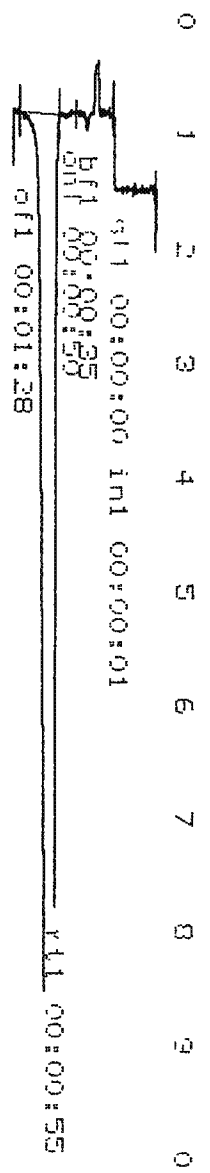


0 1 2 3 4 5 6 7 8 9 0  
Run number, Inject time, Port name and number, Lows, Highs  
1210030460, 02:08:29 PM, none 9, 1, 1

Substance, Samples, Present counts, Concentration  
1 etc, 23, 272968, 58.1 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.493 ppm, 06:05:21

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 7.18 ppm, 8

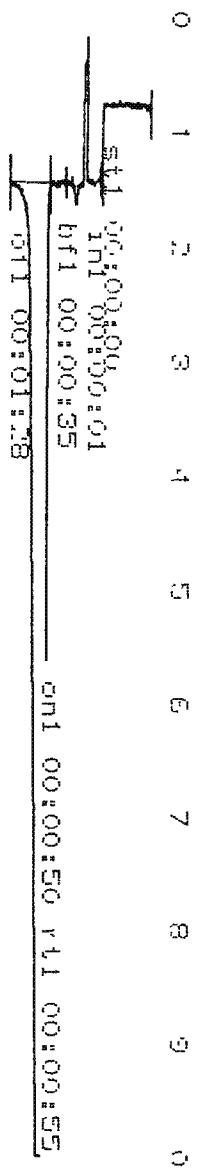


0 1 2 3 4 5 6 7 8 9 0  
Run number, Inject time, Port name and number, Lows, Highs  
1210030461, 02:10:50 PM, none 9, 1, 2

Substance, Samples, Present counts, Concentration  
1 etc, 24, 290098, 61.8 ppm


Substance, Time Weighted Average, Time Interval  
1 etc, 0.815 ppm, 06:37:42

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 16.9 ppm, 8



0 1 2 3 4 5 6 7 8 9 0  
Run number, Inject time, Port name and number, Lows, Highs

*WR II inlet  
A.I.F*

|   |   |  |   |   |   |   |   |   |   |   |
|---|---|--|---|---|---|---|---|---|---|---|
| 0 | 1 | 2  | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|   |   | <br>on1 00:00:50<br>rt1 00:00:58<br>off1 00:01:28 |   |   |   |   |   |   |   |   |
| 0 | 1 | 2  | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |


Run number, Inject time, Port name and number, Lows, Highs  
 1218030389, 11:56:34 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 15, 3624, 0.858 ppm

*4.1 PPM*

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.159 ppm, 04:45:33

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.620 ppm, 7


|   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 2   | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|   |   | <br>st1 00:00:00 in1 00:00:01<br>bf1 00:00:35<br>on1 00:00:50<br>rt1 00:00:57<br>off1 00:01:28 |   |   |   |   |   |   |   |   |
| 0 | 1 | 2   | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

Run number, Inject time, Port name and number, Lows, Highs  
 1218030390, 11:58:21 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 16, 3445, 0.810 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.163 ppm, 04:47:30

Substance, 15 Minute Short Term Exposure, Samples  
 1 eto, 0.653 ppm, 8

|   |   |  |   |   |   |   |   |   |   |   |
|---|---|--|---|---|---|---|---|---|---|---|
| 0 | 1 | 2  | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |
|   |   | <br>st1 00:00:00 in1 00:00:01<br>bf1 00:00:35<br>on1 00:00:50 rt1 00:00:58<br>off1 00:01:28 |   |   |   |   |   |   |   |   |
| 0 | 1 | 2  | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

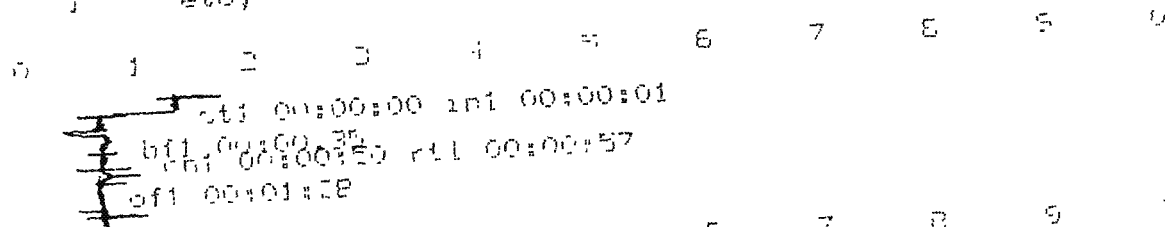
Run number, Inject time, Port name and number, Lows, Highs  
 1218030391, 12:00:27 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
 1 eto, 17, 3752, 0.888 ppm

Substance, Time Weighted Average, Time Interval  
 1 eto, 0.165 ppm, 04:49:26



Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.072 ppm, 9



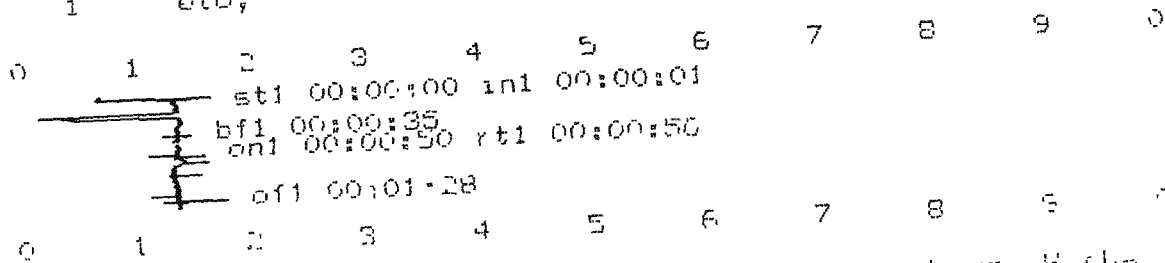
Run number, Inject time, Port name and number, Low, High  
1218030732, 12:02:21 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 18, 1033, 0.337 ppm

*WBI outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.171 ppm, 04:51:20

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.790 ppm, 9

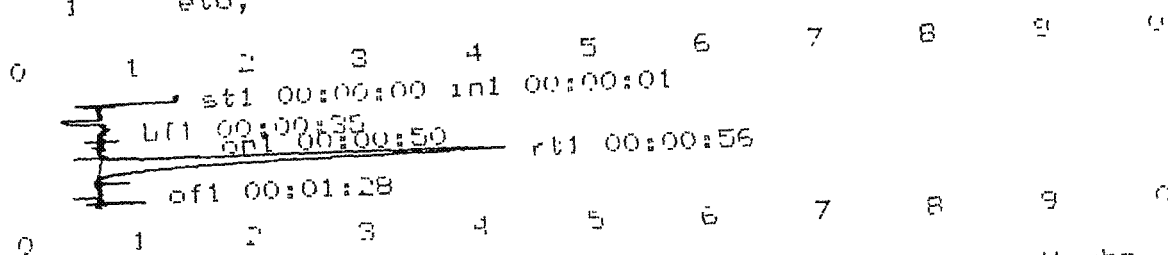


Run number, Inject time, Port name and number, Low, High  
1218030732, 12:04:16 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 19, 1421, 0.326 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.172 ppm, 04:53:15

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.724 ppm, 8

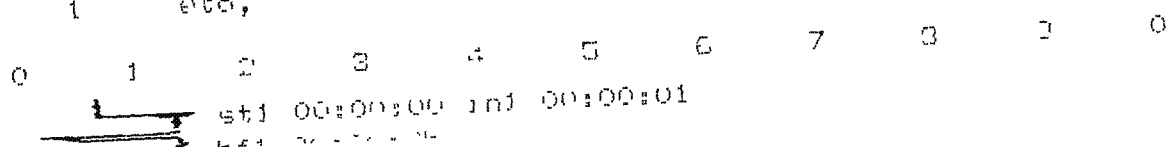


Run number, Inject time, Port name and number, Low, High  
1218030732, 12:06:11 PM, none 9, 1, 0

Substance, Samples, Present counts, Concentration  
1 eto, 20, 52847, 12.5 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.213 ppm, 04:55:10

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 1.50 ppm, 9



~~+~~ 00:01:18

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1218030395, 12:06:14 PM, none 9, 2, 0


Substance, Samples, Present counts, Concentration  
1 eto, 21, 54813, 13.0 ppm

*WBI inlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.199 ppm, 04:57:13

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.34 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
yt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1218030396, 12:10:24 PM, none 9, 2, 0


Substance, Samples, Present counts, Concentration  
1 eto, 22, 371, 0.0879 ppm

*WBI outlet*

Substance, Time Weighted Average, Time Interval  
1 eto, 0.341 ppm, 04:59:23

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 4.18 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
yt1 00:00:55  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0


Run number, Inject time, Port name and number, Lows, Highs  
1218030397, 12:12:19 PM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 eto, 23, 488, 0.116 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.343 ppm, 05:01:18

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 4.08 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

 st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
on1 00:00:50  
yt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1218030398, 12:14:13 PM, none 9, 2, 0

Substance, Time Weighted Average, Time Interval  
1 eto, 0.161 ppm, 05:24:49

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.209 ppm, 4

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
in1 00:00:50  
rt1 00:00:57  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Fun number, Inject time, Port name and number, Low, High  
1272030437, 01:28:57 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 15, 1882, 0.437 ppm

WB I OUTLET

Substance, Time Weighted Average, Time Interval  
1 eto, 0.227 ppm, 05:44:04

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.743 ppm, 4

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
in1 00:00:50  
rt1 00:00:52  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Fun number, Inject time, Port name and number, Low, High  
1273030438, 01:30:27 PM, na 11, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 17, 443, 0.103 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.160 ppm, 05:38:38

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.196 ppm, 4

0 1 2 3 4 5 6 7 8 9 0

st1 00:00:00 in1 00:00:01  
bf1 00:00:35  
in1 00:00:50 rt1 00:00:55  
of1 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Fun number, Inject time, Port name and number, Low, High  
1273030439, 01:37:22 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 16, 680, 0.158 ppm

WB II OUTLET

Substance, Time Weighted Average, Time Interval  
1 eto, 0.228 ppm, 05:47:54

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.507 ppm, 4

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| 0  | 1           | 2 | 3 | 4 | 5 | 6 | 7  | 8  | 9 |
|--|-------------|---|---|---|---|---|----|----|---|
| EIN number, Inject time, Port name and number, Lower, High |             |   |   |   |   |   |    |    |   |
| 1728070440   | 01:34:16 PM |   |   |   |   |   | na | 11 | 0 |

| Substance, samples, etc. | Present counts | Concentration |
|--------------------------|----------------|---------------|
| 1                        | 18             | 0.165 ppm     |
| 711                      |                |               |

| Substance, Time Weighted Average, ppm | Time Interval |
|---------------------------------------|---------------|
| 1 ethyl 0.160 ppm                     | 05:42:17      |

| Substance, 15 Minute Short Term Exposure, Sample 1 | Substance, 15 Minute Short Term Exposure, Sample 2 |
|--|--|
| 0.151 ppm  | 0.151 ppm  |

| 0 | 1 | 2   | 3        | 4  | 5        | 6   | 7        | 8   | 9        | 0 |
|---|---|-----|----------|----|----------|-----|----------|-----|----------|---|
|   |   | 541 | 00:00:00 | in | 00:00:01 |     |          |     |          |   |
|   |   | 411 | 00:00:35 |    |          |     |          |     |          |   |
|   |   |     | 00:00:00 |    |          | 001 | 00:00:56 | 411 | 00:00:56 |   |
|   |   |     | 00:00:00 |    |          |     |          |     |          |   |

| Run number | Inject time | Exit name and number | Low | High |
|------------|-------------|----------------------|-----|------|
| 1723000441 | 01:36:12 PM | none                 | 3   | 1    |

| Substance, Samples, Present | Concentration |
|-----------------------------|---------------|
| 17, 73722,                  | 17.1 ppm      |

WBI 2019

| Substance, Time Weighted Average, Time Interval |
|---|
| 0.320 ppm, 05:51:44                             |

Substance; 15 Minute Short Term Exposure, Sample 1  
etc; 3.40 ppm; 1

[illegible]

| Run number; | Inject time; | Port name and number; | Low; | High; |
|-------------|--------------|-----------------------|------|-------|
| 1725030440; | 01:38:34 PM; | no                    | 11   | 0     |

| Substance, Sample, study | Present count, % | Concentration |
|--------------------------|------------------|---------------|
| 1                        | 100              | 0.150 PPM     |

| Substance,<br>1<br>etc, | Time Weighted<br>Average,<br>0.151 ppm, | Time<br>Interval,<br>05:46:45 |
|-------------------------|---|-------------------------------|
|                         |   |                               |

| Substance, 15 Minute Shore Team Exposure, 4 | Concentration, ppm |
|---|--------------------|
| 1   | 0.146              |

[illegible]

187

187

Run number, Inject time, Port name and number, Lows, Highs  
1223020433, 01:20:53 PM, none 0, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 15, 3018, 0.700 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.716 ppm, 05:26:25

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.676 ppm, 3

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stl 00:00:00  
inl 00:00:01  
bfl 00:00:25  
onl 00:00:50  
rtl 00:01:15  
off 00:01:33

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1223030434, 01:22:47 PM, na 11, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 15, 1760, 0.408 ppm

Substance, Time Weighted Average, Time Interval  
1 eto, 0.160 ppm, 02:30:58

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.186 ppm, 5

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01  
bfl 00:00:25  
onl 00:00:50 rtl 00:00:57  
off 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1223030435, 01:24:42 PM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 14, 3987, 0.925 ppm

CAF 0.925  
1.0 PPM

Substance, Time Weighted Average, Time Interval  
1 eto, 0.222 ppm, 05:40:14

Substance, 15 Minute Short Term Exposure, Samples  
1 eto, 0.688 ppm, 1

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01  
bfl 00:00:25  
onl 00:00:50  
rtl 00:01:05  
off 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1223030436, 01:26:58 PM, na 11, 0, 0

Substance, Samples, Present counts, Concentration  
1 eto, 15, 272, 0.0031 ppm

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:55  
bfl 00:00:50  
onl 00:00:57  
off 00:01:29

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030557, 11:03:10 AM, none 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 etc, 13, 3812, 0.771 ppm

1.18 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.604 ppm, 00:51:57

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 14.5 ppm, 6

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01  
bfl 00:00:35  
onl 00:00:50 rti 00:00:58  
off 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030558, 11:04:06 AM, none 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 etc, 14, 3078, 0.671 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.833 ppm, 00:53:53

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 12.1 ppm, 7

0 1 2 3 4 5 6 7 8 9 0

stl 00:00:00 inl 00:00:01  
bfl 00:00:35  
onl 00:00:50 rti 00:00:57  
off 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030559, 11:06:01 AM, none 9, 3, 0

Substance, Samples, Present counts, Concentration  
1 etc, 15, 3187, 0.644 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.601 ppm, 00:55:48

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 10.4 ppm, 8

0010000000  
rt1 00:00:00  
off 00:01:20

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030062, 11:11:46 AM, none 9, 0, 0

Substance, Samples, Present counts, Concentration  
1 etc, 18, 717, 1.145 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.818 ppm, 04:01:30

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 1.13 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

rt1 00:00:00 inf 00:00:01

bf1 00:00:35  
on1 00:00:50

rt1 00:01:24 off 00:01:28

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030063, 11:13:11 AM, none 9, 2, 0

Substance, Samples, Present counts, Concentration  
1 etc, 19, 1231, 0.242 ppm

WBI outlet

Substance, Time Weighted Average, Time Interval  
1 etc, 0.814 ppm, 04:00:29

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 0.466 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

rt1 00:00:00 inf 00:00:01

bf1 00:00:35 on1 00:00:50 rt1 00:00:57

off 00:01:23

0 1 2 3 4 5 6 7 8 9 0

Run number, Inject time, Port name and number, Lows, Highs  
1231030064, 11:15:25 AM, none 9, 4, 0

Substance, Samples, Present counts, Concentration  
1 etc, 20, 34673, 7.01 ppm

Substance, Time Weighted Average, Time Interval  
1 etc, 0.805 ppm, 04:05:12

Substance, 15 Minute Short Term Exposure, Samples  
1 etc, 0.865 ppm, 8

0 1 2 3 4 5 6 7 8 9 0

rt1 00:00:00 inf 00:00:01

bf1 00:00:35  
on1 00:00:50

rt1 00:00:57